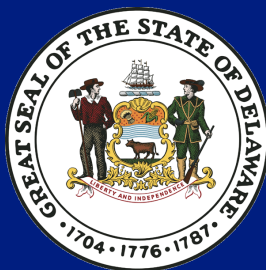


*Protecting Delaware's Families*

**BEAU BIDEN**



**ATTORNEY GENERAL**



**2007-2008 Annual Report**

Dear Fellow Delawarean,

I am honored to serve as Delaware's 44<sup>th</sup> Attorney General, leading the men and women of the Department of Justice in protecting our state and the families who call it home. I am pleased to be able to provide you with this Annual Report so that you may better understand how the Delaware Department of Justice is working for you. Whether it is prosecuting child predators, safeguarding the environment, shutting down properties where drug crime flourishes, or standing up for consumers against fraud and scams, we are dedicated to making Delaware safer and stronger by preventing crime and fighting back when the law is broken.

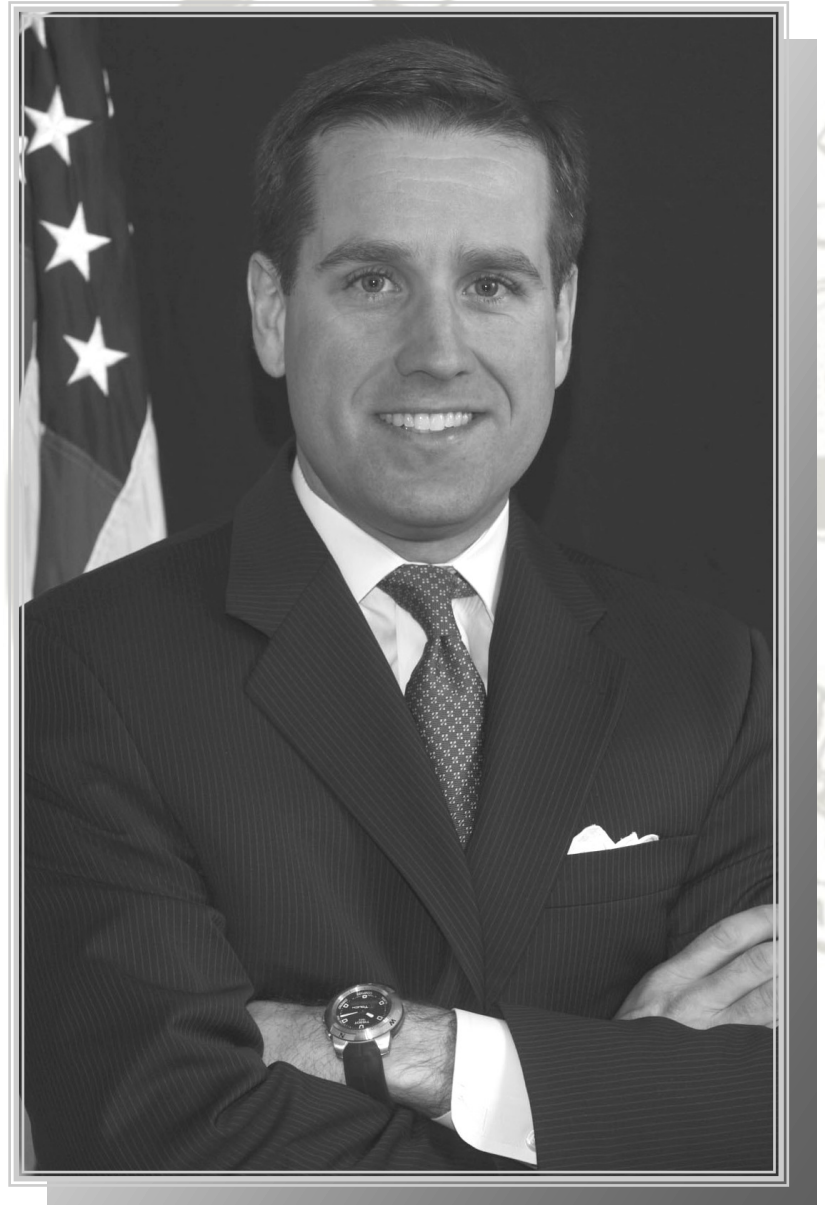
Inside, you'll find descriptions of each Division of the Department of Justice, learn what these Divisions do every day, and read highlights of their activities. To support our law enforcement actions, we have also championed key legislation in 2007 and 2008, including the Adam Walsh enhancements to Delaware's Meghan's Law, which makes it harder for convicted sex offenders to slip through the cracks and disappear into our neighborhoods; Delaware's enhanced Drug Nuisance and Social Vices Abatement Act, which gives law enforcement powerful tools to clean up properties where drug and other vice crime thrives, while the rest of the community suffers; and environmental laws, which toughen penalties against polluters, who illegally dump waste in our backyards and State Parks.

I hope that you find this Annual Report informative and helpful.

Please visit our website, [www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov), often for more information and updates on how the Delaware Department of Justice acts to protect Delaware's families every day.



Beau Biden  
Attorney General



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Pictured (from left to right): Chief Deputy Attorney General Richard Gebelein, Attorney General Beau Biden, Chief of Staff Teresa Mason

Fighting crime, safeguarding consumers, protecting families, or representing the State, the Delaware Department of Justice is a team of over 400 professionals, with an office in each of the State's counties. Each of the Department of Justice's attorneys, support team members and other staff professionals is committed to making Delaware a safer, stronger place.

The Department has five Divisions:

- ◆ The **Civil Division** serves as the State's law firm, providing legal services, including litigation support to the departments and agencies of State government. It consists of the following groups: Administrative & Environmental, Departments & Agencies, Financial & Commercial, and Litigation.
- ◆ The **Criminal Division** prosecutes violations of Delaware's criminal laws and consists of the following Units: Appeals, Child Predator, Drug, Felony Screening, Felony Trial, Misdemeanor Trial, Sex Crimes and Victim/Witness Services.
- ◆ The **Family Division** protects every member of the family through integrated services and consists of the following units: Child Protection Abuse/Neglect/Dependency, Child Support, Domestic Violence, Juvenile Delinquency and Truancy, and the Senior Protection Initiative.
- ◆ The **Fraud & Consumer Protection Division** safeguards Delaware's consumers and consists of the following units: Consumer Protection, Medicaid Fraud Control, Securities, and Special Investigations.
- ◆ The **Administrative Division** ensures that the Department operates effectively and efficiently. It consists of the following units: Human Resources, Operations, Legislative & External Affairs, and Public Information.





Pictured (from left to right): Fraud and Consumer Protection Division Director Timothy Mullaney, Family Division Director Patricia Dailey Lewis, Chief Deputy Attorney General Richard Gebelein, Attorney General Beau Biden, State Solicitor Lawrence Lewis, Chief of Staff Teresa Mason, State Prosecutor Richard Andrews.

Attorney General Biden leads the Department of Justice and is supported by an experienced and highly respected senior leadership team, including:

- ◆ Chief Deputy Attorney General Richard Gebelein - 35 years of public and private service. Former Delaware Attorney General (1979-1983) and retired Delaware Superior Court Judge; retired Colonel in the Delaware Army National Guard, including a deployment to Afghanistan to help re-establish its court system in 2004 and 2005; service as an international judge in Bosnia
- ◆ Chief of Staff Teresa Mason - 26 years of service in the public and private sectors; former bank executive, New York City Sheriff, prosecutor (Bronx, New York), Assistant Commissioner of New York State Tax Enforcement, and Special Counsel for Adjudications (New York City Department of Finance)
- ◆ State Solicitor Lawrence Lewis - 20 years of public and private service; supervised the Civil Division's Government Services Group; represented several state agencies in litigation matters and complex commercial transactions
- ◆ State Prosecutor Richard Andrews - 25 years of experience prosecuting criminals; served in leadership positions in the Office of the United States Attorney for the District of Delaware for 19 years, including service as Chief of the Criminal Division, First Assistant U.S. Attorney, and U.S. Attorney
- ◆ Family Division Director Patricia Dailey Lewis - 23 years of experience in the field of Family and Child Advocacy and Protection; served as Head of the Child Protection, Child Support, and Consumer Protection Intake Units; serves as an Adjunct Professor of Family Law at Widener University Law School
- ◆ Fraud and Consumer Protection Division Director Timothy Mullaney - Joined the Department in 2007 as Head of the Consumer Protection Unit and was named Division Director in June, 2008; additional public service includes tenure as the U.S. Marshal for Delaware, retired lieutenant with the Dover Police Department, and manager of operations for the New Castle County Law Office

# A Better Quality of Life: The Civil Division

All Delawareans have the right to live under an honest and efficient government that protects their rights to receive quality services, live in peaceful neighborhoods, breathe clean air, and drink clean water. Like a large law firm, the Delaware Department of Justice Civil Division works for all of these things and more by providing a wide range of services.

As the State's law firm, the Civil Division represents more than 300 boards and commissions and 15 State agencies, as well as all other offices and departments of State government. The Civil Division goes to court to enforce a variety of laws, including environmental enforcement actions that go after polluters and illegal dumpers, and through its nuisance abatement initiative that targets properties that are poisoning the communities around them by being the sites of drug activity and vice crime.



State Solicitor Lawrence Lewis (pictured)

Deputy State Solicitor Jennifer Oliva

Unit Heads:

Drew Chichi, Financial & Commercial Services Group

Ilona Kirshon, Departments & Agencies Group

Allison Reardon, Administrative & Environmental Services Group

Ophelia Waters, Litigation Group

## How the Civil Division Improves Your Quality of Life:

- Revitalizes or shuts down properties where drug deals, prostitution, and other nuisance crimes have been allowed to flourish
- Provides experienced, expert legal advice and representation to State agencies as well as contract review and drafting of complex transactional agreements
- Ensures open government through public access to government documents and meetings under the Freedom of Information Act
- Makes sure that those doing business with the State fulfill their contractual obligations
- Keeps kids tobacco-free by enforcing youth tobacco access laws and monitoring the Master Settlement Agreements with tobacco companies

# Safeguarding our Natural Resources: Environmental Cases

The Office of the Attorney General acts to protect Delawareans from environmental harm, such as from polluters who contaminate the air we breathe, the water we drink, and the land on which we live and farm. By calling for tougher laws, enforcing the ones already on the books, and working jointly with other states, the Department's commitment to preserving the environment and punishing polluters is stronger than ever.

- ◆ In April, 2008, Attorney General Biden created the position of Environmental Compliance Deputy. This post focuses full-time on enforcing environmental laws. Additionally, because pollution and other environmental issues cross state lines, the Department is committed to joining with other states to protect our environment and go after those who contaminate it. Recent multi-state initiatives include a federal lawsuit that urges the Environmental Protection Agency to regulate motor vehicle gas emissions. Other joint efforts have included a call for renewable energy generation to reduce carbon-dioxide emissions from coal-fired plants, and a petition to Congress to protect states' rights to regulate greenhouse gas emissions under the federal Clean Air Act.



A Better Quality of Life

## Biden Announces New Environmental Protection Measures

Media Release  
April 29, 2008

### Biden Announces New Environmental Protection Measures

Wilmington, DE – At a press conference on Monday, April 28 at Fox Point State Park, Attorney General Joseph R. Biden, III announced that the Delaware Department of Justice is taking steps to push for the enforcement of existing statutes. Biden was joined by the Department of Natural Resources and the Delaware Department of Transportation.

State's Department of Natural Resources

"By strengthening our laws, targeting enforcement actions, and partnering with other state agencies, we're putting polluters on notice that we will hold them accountable," stated Attorney General Joseph R. Biden, III.

The legislation, to be introduced in the General Assembly's spring session, includes:

- Increasing penalties for illegal dumping in Delaware's state parks. These include doubling the penalty for first offenses and setting higher penalties for multiple offenses. These penalties have not increased in 17 years.
- Enhancing law enforcement's tools to prosecute dumping by allowing citations to be issued to owners of vehicles that are involved in dumping activity.
- Clarifying that those who indirectly participate in illegal dumping are also violating the law.

Biden also announced that he has created the new position of Environmental Compliance Deputy within the Department of Justice. Veteran Deputy Attorney General Laura Gerard will hold this position, which is dedicated full-time to environmental enforcement actions.

In addition, the Attorney General noted Delaware's participation with other states in regional and national environmental protection actions. He noted several recent partnerships, including the Delaware-Maryland-Pennsylvania 17-state effort to formally issue that determination and to develop policy pursuant to it.

In the Massachusetts case, the Supreme Court declared that the EPA could not refuse to regulate greenhouse gases based on the agency's policy preferences. The EPA, however, has declined to issue an endangerment determination, and last week said that it would delay responding to the

## Attorney General Beau Biden Acts to Secure Reduced Greenhouse Gas Emissions

Environmental Protection Agency (EPA) to decide whether it will regulate greenhouse gases under the federal Clean Air Act. The lawsuit is a landmark case that could force the EPA to regulate greenhouse gases under the Clean Air Act, which would force the EPA to regulate greenhouse gases under the Clean Air Act, which would force the EPA to regulate greenhouse gases under the Clean Air Act.

EPA made clear in 2007 its belief that greenhouse gases pose significant risks. Its decision to regulate greenhouse gases under the Clean Air Act, once the EPA reaches that decision, would be a landmark step in protecting public health.

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## Attorney General Beau Biden Secures Criminal Conviction in Environmental Dumping Case

"Cases like this serve as a deterrent to others who are polluting our environment. We will continue to use the full power of the law to protect the health of our environment."

In July 2007, a Sussex County resident discovered a large pile of clam waste on the edge of a ditch in the Marshy Hope Wildlife Area. The next day, a dump truck leaving the scene after it had dumped a load of clam waste was investigated and determined that the clam waste originated from Seawatch Internal of Natural Resources and Environmental Control Environmental Protection officers, reported that Thomas had been contracted to use clam waste from the processing plant as hog feed.

## Administrative & Environmental Services Group

The Administrative & Environmental Group provides legal advice and support to 34 regulatory boards and commissions that regulate 42 professions organized under the Delaware Division of Professional Regulation. During the last year, the Administrative Deputies participated in 191 public meetings, more than 90 disciplinary and/or licensure hearings, completed 88 written board orders and drafted numerous regulations for State boards and commissions. The Environmental Deputies provide legal advice to the Department of Natural Resources and Environmental Control on matters including environmental enforcement prosecution, statutory construction, and legislative initiatives, and defend department officials and employees in litigation brought against the State. In 2008, Administrative and Environmental Deputies assisted with reviewing or drafting more than 18 legislative bills, 14 of which were passed by the General Assembly.

Notable cases include:

- ◆ On March 31, 2008, the United States Supreme Court rejected New Jersey's legal challenge to Delaware's jurisdiction over the Delaware River within the historic twelve-mile circle from New Castle. The dispute involved Delaware's efforts to preserve its fragile coastal environment and protect Delaware citizens from a potentially dangerous industrial development. The Delaware Department of Justice, along with private counsel, represented the State of Delaware.
- ◆ In late 2007, the Department helped negotiate a settlement on behalf of the Delaware Public Service Commission that strengthened oversight of the regional electric grid operator, in order to police abuses in the wholesale electric market that have led to higher retail electricity rates.
- ◆ An agreement between the Delaware Department of Natural Resources and Environmental Control (DNREC) and BP/Amoco, under which the company will perform a cleanup of its former polymer plant located in New Castle at an estimated cost of \$15-20 million.
- ◆ A settlement with International Petroleum Corporation (IPC) in a claim of natural resource damages resulting from an April, 2006 oil spill from its Wilmington facility into the Christina River. Funds from the settlement will be used by DNREC to restore or replace natural resources in the Christina River watershed and Delaware River and Bay, which were injured by the oil spill. A settlement was also negotiated with the owners of the vessel M/V Bermuda Islander that spilled oil into the Delaware River on April 25, 2006. Funds from the settlement will be used by DNREC and the federal government to restore or replace damaged natural resources in the Delaware River and Bay.
- ◆ The Department represented DNREC in the beach replenishment construction project at Bethany Beach and South Bethany Beach. The beach replenishment project enhances the beach experience, safeguards regional tourism, and protects the state's infrastructure. The Department also negotiated and coordinated with the Army Corps of Engineers and obtained the necessary beachfront easements. In return, the federal government funded 65 percent of the project costs (approximately \$17.4 million). As a result, Delaware also secured its priority for federal funding of maintenance sand nourishment projects for the next 50 years.





## Financial and Commercial Services Group

The Financial and Commercial Services Group provides advice and counsel to State agencies and departments regarding financial and commercial issues. In addition, the group performs the complex transactional, or contract, work of the State.

- ◆ The Department has been responsible for the negotiation, drafting and review of documents associated with the Delaware Economic Development Office's financing projects, including the issuance of municipal tax-exempt bonds totaling approximately \$145 million as well as loan, grants and equity financing totaling approximately \$14 million since the spring of 2007.
- ◆ Through its representation of the Office of the State Treasurer (OST), the Department assisted with its oversight of approximately \$1 billion. Over the past year the Department has been especially involved in addressing complex legal issues related to federal tax and securities compliance and investment management, and advising OST regarding the State's Deferred Compensation, Match, and College Investment Plans.
- ◆ The Department represented the State in State v. Phillip Morris Inc., a case involving a complex and compulsory multi-jurisdictional arbitration. Delaware receives significant payments under the Tobacco Master Settlement Agreement and a substantial portion of those payments are being challenged in this litigation. The Department continues to advocate forcefully for Delaware's interests.
- ◆ Reybold Group v. The Public Service Commission and the Delaware Public Advocate involved a challenge to the rule-making authority of the Public Service Commission. On appeal to the Delaware Supreme Court, the Department successfully defended the Delaware Public Advocate's initiative to stabilize water rates by requiring utilities to collect a fee from developers for their share of the costs of increased water use. The Court's decision will have the practical effect of stabilizing increases to water bills.

## Litigation Group

The Litigation Group primarily defends the State's law enforcement agencies, including the Department of Correction, the Division of Probation and Parole, and their officials and employees. Litigation Deputies also defend State agencies against lawsuits for personal injury or alleged violations of employment law. In 2007 and 2008, Deputies successfully defended approximately 112 cases in administrative hearings as well as in State and Federal courts.

Litigation Deputies' duties often extend beyond defending cases and overlap with other Civil Division Groups when they work together to provide advice to agencies or legal analysis on issues of law. Two noteworthy cases are:

- ◆ In Melendez v. Gardels and Scott, the Department successfully defended an excessive-use-of-force lawsuit brought by a prisoner against two veteran corrections officers. A jury rejected the inmate's claims against the officers.
- ◆ In Hamilton v. Levy, et al., the plaintiff alleged that prison officials failed to protect him from inmate assault. At trial, verdicts were returned for the defendants, finding no liability on the part of prison officials. Subsequently, the 3rd Circuit Court of Appeals affirmed the verdict.



## Departments and Agencies Group

The Departments and Agencies Group provides legal advice and counsel to State agencies and departments that primarily deal with health, social services, and educational matters. Through these efforts and the many administrative hearings they attend, the Departments and Agencies Deputies are dedicated to improving the quality of services that effect the lives of Delawareans. Highlights of these efforts include:

### Department of Education

- ◆ The Department helped the Department of Education recover approximately \$16.5 thousand in tuition that had been provided to trade schools that subsequently went out of business.
- ◆ The Professional Standards Board was provided with legal representation and assistance with development, review and revision of more than 30 administrative regulations involving teacher certification or professional development.

### Delaware Department of Transportation (DelDOT)

- ◆ Several pieces of legislation were written on a variety of issues, including “red-light” camera traffic enforcement, outdoor advertising, and other DelDOT projects.
- ◆ The Department assisted in developing new techniques for civil and criminal enforcement efforts against toll evaders who cost taxpayers \$700-900,000 per year in unpaid tolls.

### Department of Health and Social Services

- ◆ The Office of the Public Guardian was represented in numerous cases where the Court of Chancery appointed the Public Guardian to care for people who have no family members who can assume this responsibility.
- ◆ The Department litigated the removal of a severely disabled adult from the care of his parents with whom he was living under deplorable conditions.
- ◆ 28 health-care providers were placed on the Adult Abuse Registry for neglect or abuse of patients in nursing facilities or of developmentally disabled persons receiving services in the community. Healthcare facilities in Delaware are required to check the registry before hiring staff and placement on the registry may affect an individual’s ability to work in the healthcare industry .
- ◆ The Division of Long Term Care Residents Protection was represented in a number of dispute resolution hearings to enforce compliance by nursing home facilities that had been found deficient.

## Protecting The Right to Open Government: Freedom of Information Act

Under Delaware’s Freedom of Information Act (FOIA), the Civil Division investigates citizen complaints that they have been denied access to meetings or records of a public body (such as a town or city council, county government, or school board). FOIA gives citizens of the State of Delaware the following rights:

- ◆ To have notice in advance of meetings where public business will be conducted and to know what items of business will be discussed.
- ◆ To inspect and copy public records.
- ◆ To file a complaint with the Department of Justice or sue in court if they believe that their right of access has been denied.

Learn more about your right to open government under FOIA by visiting [www.attorneygeneral.gov](http://www.attorneygeneral.gov).



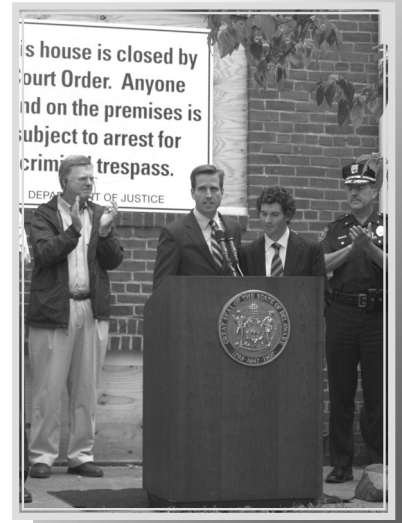
# One Bad Apple: Nuisance Abatement

There are properties in our neighborhoods that we all recognize – places we avoid and don't let our kids walk past because the criminal activity that takes place there brings down the surrounding community. They are the bad apples spoiling the bunch because the owners of these homes and businesses turn a blind eye to drug crime, prostitution, illegal gambling and other activity that flourishes there. In August, 2007, Attorney General Biden announced that his office would aggressively use the newly enhanced Drug Nuisance and Social Vices Abatement Act to identify these properties and give their owners the choice: either clean up their property voluntarily, or face a lawsuit and the closure of their properties by court order.

Since stepping up these enforcement actions, the Department of Justice has issued notices to the owners of more than 35 properties, obtained court orders to shut down 5 of the properties, and received hundreds of tips from residents across Delaware.

Fortunately, most cases can be resolved without going to court. In one case, the Department of Justice issued

a notice of its intent to sue property owners after 217 arrests for drug sales, possession of a firearm, and assault, were made on four properties along the Route 9 corridor in New Castle County. Rather than facing the Department in court, the owners took responsibility for their properties and agreed to hire security guards, install security cameras accessible to law enforcement officials, improve lighting, construct fencing, and take steps to prevent loitering. In the end, the community was made safer by these efforts.



## Canby Park home taken under drug nuisance act

By ESTEBAN PARRA  
The News Journal

Residents report a peaceful summer on Rodman Road

Melinda Johnson stood on the front steps of her Canby Park home last week reminiscing about "the best summer" she's had since moving to Rodman Road. This was the first time since moving into the row home eight years ago that her three daughters were allowed to play in the front yard. The girls rode their bikes, sat on the front steps and freely played with other neighborhood children.

"This summer was the best summer," Johnson said. "The children were able to play outside without us having to worry what was going on three doors up."

Previously, Johnson said, she would keep her daughters indoors to prevent them from being exposed to neighbors who not only dealt drugs, but openly and loudly talked about buying and

often respond to her block – the 1000 block of Rodman Road.

That all came to an end last week when Superior Court Judge Peggy L. Altemus declared a house on the block a site of drug and vice crime and issued a permanent abatement order banning its owner, William J. Murphy, from the row home. The order also required Murphy to pay a civil penalty equal to the market value of the property and to pay court costs.

In lieu of paying the penalties, Murphy was allowed to sign the deed to the property over to the state, marking the first time the Delaware Attorney General's Office has obtained the deed to a property under the state's nuisance abatement act.

"We have taken bold and decisive

holding this property owner accountable to the law, we're making it clear that the Delaware Department of Justice is using the full measures at our disposal to fight criminal activity that threatens our neighborhoods."

Biden launched a statewide effort last year to combat crime using the newly enhanced Drug Nuisance and Social Vices Abatement Act. Biden's office has issued more than 30 written notices to property owners in all three counties, essentially telling the owners to clean up crime on their property.

Since launching the effort, Biden's office said, it has temporarily closed 11 properties, including five court-ordered closures and seven voluntary closures.

Another 11 property owners com-

municated with the

Attorney General's Office.

At the Canby Park property, Biden's office filed suit in April against Murphy, alleging the row home had been the site of constant drug traffic and prostitution activity, and noted that weapons had been found there. At one point, Biden's office said, the neighborhood was evacuated after a live grenade was discovered.

"It was a nightmare," said Johnson, who said she and her husband bought the house from his grandmother. "There was a lot of bad language, a lot of stuff you didn't want the children to see."

"I couldn't wait until they were gone. I wondered how long it was going to take for somebody to actually get them out of there."

was held to decide what should be done. Last week, the Department of Justice proved that the property had been the site of constant drug traffic and prostitution activity, and that weapons had often been found on the premises.

City Councilman Mike Brown said he saluted the community for not giving up and Biden's office for pursuing the issue. Although government should not have to get in the business of taking people's property, Brown said, sometimes it is needed.

"Anytime that we can salvage a community by making sure that we – elected officials and government – by ridding its problems, I think we should do that," Brown said. In this case, there was a list of complaints that should have sent a message to the property owners to clean up their act.

A Better Quality of Life



## Attorney general cracks down on public nuisance properties

State will file civil suits against owners of homes under revised law

By PATRICK JACOBSON  
The News Journal

It's working, and Attorney General Biden announced Wednesday he is going statewide with a program to sue property owners who violate the state's new law on public nuisance. Biden said his office was filing

lawsuits against owners of homes under the revised law.

The new law, which took effect in August, gives the state the power to sue property owners who violate the law.

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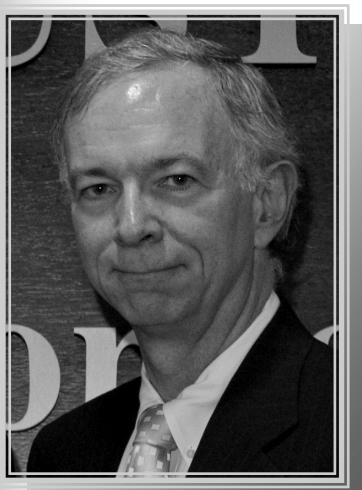
The law gives the state the power to sue property owners who violate the law.

In cases where property owners are uncooperative, the Department brings action against them in court. In each of Delaware's 3 counties, judges have granted orders to shut down properties that posed immediate threats to public safety. Those defendants will have to explain why they allowed drug crime, prostitution, and other crimes to continue unchecked on their properties at final hearings in the future.

Through the Department's efforts, by September, 2008 nuisances were abated at 22 properties, including 11 properties closed voluntarily or by court order, and 11 properties whose owners took measures to abate the nuisances short of closure. In addition, on September 23, 2008, for the first time ever the deed to a nuisance property was turned over to the State as a result of the Department's abatement efforts.

# The Crime Fight: The Criminal Division

Delaware is one of only a few states in which the Office of the Attorney General prosecutes all State criminal offenses. However, the Criminal Division does more than just prosecute criminal and motor vehicle violations. It also provides support, assistance, and information to victims and witnesses of crime, as well as advice and training to other state and local law enforcement agencies. The Division faces an ever-increasing burden. As the State's population has increased, so has crime. Between 1994 and 2006, the criminal caseload of the Department has increased 128 percent. Its prosecutors have responded to this dramatic increase skillfully, while being sensitive to their mission to guarantee the constitutional rights of the accused as well as the human rights of victims and their families.



State Prosecutor Richard Andrews (pictured)

New Castle County Prosecutor Josette Manning

Kent County Prosecutor Christina Showalter

Sussex County Prosecutor Paula Ryan

## New Castle County Unit Heads

Mark Conner, Drug Unit  
James Kriner, Felony Trial Unit  
Mariann Kenville-Moore, Victim Witness Services  
Robert Surles, Felony Screening Unit  
Allison Texter, Sex Crimes Unit  
Andrew Vella, Misdemeanor Trial Unit  
Paul Wallace, Appeals Unit

## Kent County Unit Heads

Jason Cohee, Sex Crimes Unit  
Maria Graham, Felony Screening Unit  
Kenneth Haltom, Misdemeanor Trial Unit  
Dennis Kelleher, Felony Trial Unit

## Sussex County Unit Heads

Adam Gelof, Sex Crimes Unit  
David Hume, Felony Screening Unit  
Peggy Marshall, Felony Trial Unit  
Christine Sergovic, Misdemeanor Trial Unit

## How the Criminal Division Fights Crime:

- Prosecuting violators of Delaware's criminal and motor vehicle laws while upholding the constitutional rights of defendants and the human rights of victims and their families
- Providing timely and accurate information to victims and witnesses about the criminal cases that involve them
- Resolving criminal cases quickly and fairly

## Profile: County Prosecutors

A County Prosecutor in each of the Department's three offices is responsible for supervising all criminal prosecutions in that county. Along with maintaining their own caseloads, County Prosecutors oversee the Criminal Division's operations, including assigning cases, supervising Criminal Deputy Attorneys General, collaborating with Deputies on prosecutorial strategy, and ensuring that the Department meets its objectives in its most basic responsibility: keeping Delawareans safe from crime.

Paula Ryan serves as Sussex County Prosecutor and has been with the Delaware Department of Justice since 1996. She has handled the full range of felony cases, including homicides, child pornography cases, sexual offenses, felony assaults, and property and financial crimes. Paula is a member of the Delaware Supreme Court's Advisory Committee on the Delaware Uniform Rules of Evidence.



Kent County Prosecutor Tina Showalter has over 20 years of prosecutorial experience at the Delaware Department of Justice. During that time, she has worked in two county offices and served in every Criminal Division Unit, including assignments as Head of the Felony Trial Unit, Head of the Juvenile Unit, and Assistant Head of the Domestic Violence Unit. Tina has tried nearly 100 felony cases, including homicide cases, child physical and sexual abuse, sexual assault, domestic violence, and drug crimes.

Josette Manning, the New Castle County Prosecutor, was named to the position after helping establish the Delaware Department of Justice's community prosecution initiative in 2007 (see page 16), and being named Deputy Attorney General of the Year in 2006. Josette has been with the Department of Justice since 2000, has served as Assistant Unit Head of the Felony Trial Unit, and has tried a wide range of criminal cases, including drug crimes, sex offenses, and homicides.



## Keeping kids safe on the street, at home, and online The Child Predator Task Force

Protecting children from harm is the driving force behind Attorney General Biden's public service career. He is fighting to keep kids safe in their homes, on their neighborhood streets, and on the Internet. That's why one of his first acts after taking office was to form the Delaware Department of Justice Child Predator Unit, with a staff dedicated full-time to protecting kids from harm online. After receiving a \$250,000 federal grant in October, 2007, the Child Predator Unit joined forces with the Delaware State Police, federal agencies, and local law enforcement organizations to form the Delaware Child Predator Task Force, which now allows the Department of Justice to work side-by-side with the forensic investigators from the Delaware State Police High Technology Crimes Unit. The Child Predator Task Force is responsible for coordinating online child exploitation investigations and prosecutions throughout Delaware, proactively identifying, arresting, and prosecuting sexual predators who would use technology as a means to target and reach their victims. The Task Force has grown from three member agencies to now include every state and local police agency in Delaware – more than 40 in all. Today the State's law enforcement community is united to keep kids safe online.



Attorney General Biden announcing the creation of the Delaware Child Predator Task Force.

In 2007 and 2008 Attorney General Biden championed several pieces of state legislation that enhanced penalties for child molesters and strengthened registration requirements for convicted sex offenders (see page 39 for details).

Since 2007:

- ◆ The Child Predator Task Force has successfully prosecuted 40 cases of internet child predators
- ◆ The State investigated "Cybertips" it received that resulted in the arrests of 9 individuals in Delaware who produced and/or distributed child pornography. The defendants were prosecuted in federal court, where penalties are greater than under state law, and each one received a substantial prison term.
- ◆ The Delaware Department of Justice joined forces with the United States Department of Justice to ensure that child predators in Delaware face the maximum amount of prison time under state and federal laws.

## Child predator unit goes to work

Finance panel finds way to start ahead of schedule

By JAMES MERRIWEATHER  
The News Journal

DOVER — Employing a burst of Legislative Hall fanfare and promising a "full-court press by all in government," Attorney General Beau Biden on Thursday launched his new child predator unit.

Gov. Ruth Ann Minner had called for \$164,000 — enough for a deputy attorney general and an investigator — to get the ball rolling in the budget year that begins July 1. **100,000** illegal child

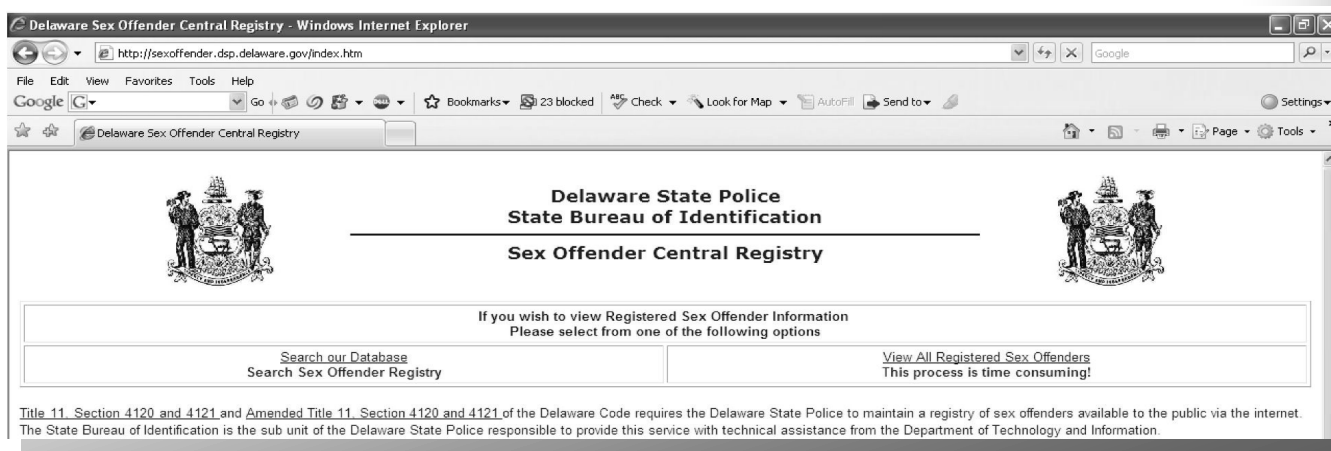


# Sex Crimes Unit

The Sex Crimes Unit prosecutes sex offenses throughout Delaware. The Unit's prosecutors conduct extensive interviews with investigating officers and may request additional investigations before determining charges to be filed. Prosecutors often meet with victims prior to indictment to discuss issues relating to the prosecution of a case and prosecutors and social workers work closely with victims to guide them through the court process. This team also prepares victims for courtroom testimony and keep victims informed of case developments, including sentencing, appeals, probation violations, and the perpetrator's release from incarceration.

Notable cases from 2007-2008 include:

- ♦ State v. Mark Howard, in which the Department of Justice prosecuted a defendant who had befriended a family with two young brothers. Soon after assuming a father-like role to the boys, the defendant began abusing the two boys, who were then 14 and 11 years of age. Howard was indicted on multiple counts of sexual solicitation, unlawful sexual contact, attempted unlawful sexual contact and indecent exposure. He was convicted and sentenced to two and a half years in prison.
- ♦ State v. Erroll Harper, in which the Unit prosecuted the defendant for sexually abusing two young girls whom he babysat. Over a period of several months, the defendant sexually abused the girls as well as their two best friends. Although the case was reported at a later time with four minor victims and no physical evidence, the jury convicted Harper of all charges. He was sentenced to 22 years in prison on August 15, 2008.
- ♦ State v. James Hardwick, in which the defendant was convicted of 29 counts of rape and two counts of attempted rape after repeatedly victimizing two female teens between 2003 and 2007. He was previously convicted of rape in Pennsylvania and served a 20-year prison sentence. Hardwick was sentenced on August 29, 2008 to 31 life sentences.
- ♦ State v. Rahim Smith, in which the defendant was convicted of raping a young man with cerebral palsy who was wheelchair-bound and had a severe speech impediment and limited mental capacity. The arrest and trial resulted in the disclosure of additional victims, including the defendant's own eight-year-old daughter. Smith was sentenced to 35 years in prison, and the sentence was recently affirmed on appeal by the Delaware Supreme Court.



Delaware Sex Offender Registry: [sexoffender.dsp.delaware.gov](http://sexoffender.dsp.delaware.gov)

## Community Prosecution

Community Prosecution is Attorney General Biden's response to rising violent crime in Delaware. It is based on the simple but powerful fact that people in the community know who is committing

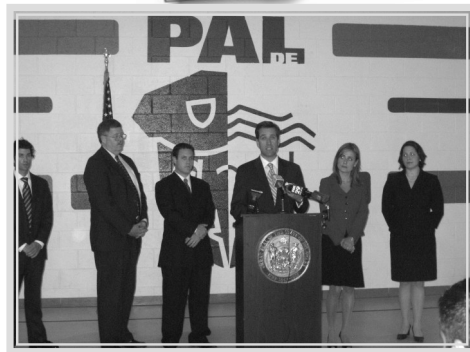


the crime and that law enforcement can fight crime more effectively by working as a team. Community prosecution assigns prosecutors to specific geographic areas. Community prosecutors work closely with police and residents to identify the most severe criminal behavior and attack it head on.



Attorney General Biden launched community prosecution in Wilmington's Southbridge neighborhood in 2007 and he expanded the program throughout New Castle County in May, 2008. 37 prosecutors in six teams are now assigned to six geographical "zones", two in Wilmington and four encompassing all other portions of the county (see map to the right). Each team includes deputies

with different areas of expertise who work together to prosecute the range of crimes that destroy a neighborhood's quality of life. In addition to working alongside police to prosecute the most violent and repeat offenders, the teams also meet regularly with community groups, business owners, and civic leaders to share information, address specific concerns, and identify "hot zones" of criminal activity. The result is more effective prosecution, better coordinated law enforcement, and safer neighborhoods.



Attending the announcement of the Community Prosecution Program with Attorney General Beau Biden: (from left to right) Deputy Attorneys General Phil Bangle, John Downs, Joseph Grubb, Ipek Medford, and Josette Manning.

## Felony Screening Unit

The Felony Screening Unit reviews and processes felony criminal cases prior to trial. After gathering information from the investigating police agency, the Unit makes an initial determination whether a case should be prosecuted and, if so, for what charges. When appropriate, the Unit works to resolve cases before trial. Over the past year this process has been successful in obtaining early convictions in hundreds of cases while maintaining the prosecution standards that protect Delawareans. Other responsibilities of the Unit include presenting cases to the Grand Jury for indictment and litigating cases at the preliminary hearing stage.

## Felony Trial Unit

The experienced prosecutors of the Felony Trial Unit handle serious felony cases. Following initial interviews with the arresting police officers, indictments are prepared for presentation to the grand jury. After defendants are indicted, cases are assigned to trial attorneys, who are responsible for the case through sentencing.

Some notable prosecutions from the past year include:

- ♦ State v. Jermease Ross, in which the defendant pled guilty to First Degree Murder in February, 2008, and was sentenced to life in prison. Ross murdered his girlfriend on the school bus she was driving in May, 2007, following a history of domestic violence between the defendant and victim.
- ♦ State v. James Cooke, in which the defendant was convicted of the brutal rape and murder of Lindsey Bonistall, a student at the University of Delaware. After convicting Cooke, the jury returned a unanimous recommendation for death and the judge imposed a death sentence in 2007.
- ♦ State v. Hakeem Black and State v. Steven Harden, in which the defendants were convicted of kidnapping and robbing a victim at gunpoint in Wilmington's Trolley Square and driving to ATM machines to withdraw money from the victim's accounts. Harden is now serving an 18 year prison sentence, and Black is serving a 25 year prison sentence.
- ♦ State v. Tyrone Roane, in which the defendant was prosecuted in Federal Court by State prosecutors through Operation Fed Up, a joint program targeting felons who commit gun crimes in the City of Wilmington. The defendant was found guilty of Possession With Intent to Distribute Cocaine, Possession of a Firearm in furtherance of Drug Trafficking, and Possession of Firearm Ammunition by a Person Prohibited. Roane is a four-time prior felon and was convicted under a law that requires a minimum 10 years of incarceration in federal prison.
- ♦ State v. Shannon Johnson, in which the defendant was convicted of First Degree Murder and other charges for the killing of Cameron Hamlin and the shooting of Lakeisha Truitt, who witnessed the murder. The defendant had previously been convicted of rape, weapons and drug offenses. The jury unanimously recommended the death penalty. Johnson was convicted in New Castle County Superior Court on March 27, 2008 and was sentenced to death on September 5, 2008. As a result of this murder, Delaware's General Assembly increased the minimum mandatory penalty for Possession of a Firearm by a Person Prohibited offenders who have previously been convicted of a violent felony. The bill was called "Cameron's law".
- ♦ State v. Stephen DeJohn, in which the defendant was convicted of Attempted Manslaughter and Possession of a Deadly Weapon During the Commission of a Felony for renting a car and attempting to kill his estranged wife by running her over in a parking lot. He then held the police at bay for over 8 hours while threatening to commit suicide. He was sentenced to six years in prison.
- ♦ State v. Allison Lamont Norman, in which the defendant was convicted of First Degree Murder for the April, 2005, rampage in which he killed two people and shot three others. During the 2007 trial, the defense presented an insanity defense, which the jury rejected. Norman was convicted in Sussex County Superior Court of First Degree Murder, Attempted Murder, and other offenses. After a unanimous jury recommendation for death, the Court sentenced the defendant to death on September 28, 2007.



## Misdemeanor Trial Unit

The Misdemeanor Trial Unit prosecutes tens of thousands of misdemeanor criminal offenses and motor vehicle offenses in the Court of Common Pleas every year. The Unit also assigns prosecutors to criminal cases heard in Justice of the Peace Court 20.

## Drug Unit

The Drug Unit prosecutes drug cases in Superior Court. In addition, it is responsible for statewide litigation of drug arrest forfeitures. Members of the Drug Unit collected a record \$1,450,000 during fiscal year 2008 from drug related arrests.

Notable accomplishments for 2007-2008 include:

- ◆ Since 2007 the Drug Unit has prosecuted 26 members of the Pagans Motorcycle Club, following an extensive joint investigation with the Delaware State Police. Many of the convictions led to lengthy jail sentences.
- ◆ In 2007 and 2008 the Unit prosecuted 12 defendants involved in a fight that led to the shooting death of one victim, the stabbing of a second victim, and the non-fatal shooting of a third person. Many of the defendants received lengthy jail sentences.
- ◆ In June 2008 the Unit worked with the Nuisance Abatement team to obtain a court ordered closure of a Wilmington property due to numerous drug arrests on-site.

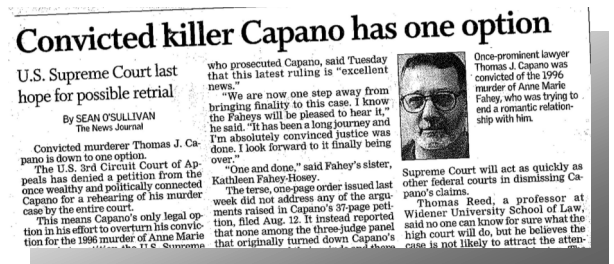


## Appeals Unit

The Appeals Unit handles all litigation related to criminal appeals in state and federal courts, and the Unit's Deputy Attorneys General serve as the chief courtroom lawyers for the State before the Delaware Supreme Court. The Appeals Unit also reviews cases to advise the State on whether it should appeal lower court decisions, join cases in which Delaware is not a litigant but has interests that may be at stake, and issue confessions of judgment or confessions of error in instances when prior State positions have been unjust or unviable. The Unit also advises and assists other members of the Criminal Division with complex legal issues in criminal matters.

Two notable appeals handled over the past year are:

- ◆ *Thomas Capano v. Carroll*, in which Thomas Capano, who was convicted for the murder of Anne Marie Fahey, had fought his conviction and sentence in the state courts for almost a decade. This year he turned to federal court, arguing several constitutional grounds for relief in Delaware's federal district court. The Appeals Unit successfully defended Capano's murder conviction and life sentence, which the federal district court has upheld.
- ◆ *State v. Jason McKinley*, in which Jason McKinley, who had a record of numerous traffic violations and was driving with a suspended license, was convicted of murder in a collision that killed a 40 year-old New Castle County man who was returning home from work. While fleeing from police, McKinley hit the victim's vehicle broadside at nearly 100 miles per hour and sent it careening into a telephone pole. The case was appealed to the Delaware Supreme Court, which upheld the murder conviction.



# Victim/Witnesses Services Unit

The criminal justice process can be complicated, confusing and even intimidating for victims and witnesses of crime. Victims and witnesses often have many questions about what is required of them as cases move through the judicial system. They have the right to understand the process and to be notified of court dates and other case-related proceedings. The Delaware Department of Justice Victim/Witness Services Unit provides case notification and victim services statewide through specially-trained Social Workers and Victim Service Specialists who assist prosecutors in the Criminal, Family, and Fraud & Consumer Protection Divisions.

In 2007, the Unit sent nearly 75,000 notification letters to victims and witnesses, providing current information about cases and upcoming court proceedings. These letters are often their first point of contact with the Department, and they open an ongoing channel of communication. The Unit also provides direct services. Depending on the court to which they are assigned, individual caseloads range from 115 cases to more than 300 cases per month. The Unit's Social Workers are assigned to cases in the Family Court, Court of Common Pleas, and Superior Court. They work with a variety of victims, including children, the elderly, survivors of homicide victims, and the physically, mentally or cognitively disabled. Social workers provide case information, crisis counseling, trial preparation, and referral services. They accompany victims to court to provide a friendly face in what can be an intimidating environment.



Senior Victim Advocates attended the Delaware Senior Medicare Patrol Fraud Conference on May 16, 2007. Pictured (clockwise): Almarie Laird, John T. Luchik, Barbara Glover, Stella Lineburg, Pat Coulter, Phyllis Racz, Luci Giorgi and in the doorway in back is James McCluster.

Some examples of how the Unit assists victims and witnesses include:

- ◆ A single father was robbed after leaving his job. Because of serious head injuries sustained during the robbery, he was prevented from returning to work. His loss of income, the costs of medical treatment, and the needs of his children caused him to fall behind in rent payments and the family faced eviction. After receiving a notification letter from the Victim/Witness Services Unit, he contacted a Victim Services Specialist (VSS). The VSS assisted the family with food from community resources, helped the father apply to the Violent Crimes Compensation Board for financial aid.
- ◆ In one case, a spouse murdered the other spouse in the presence of their children. An understanding of family dynamics and counseling skills allowed the assigned Social Worker to help the entire family through a difficult time leading up to and including the trial. The Social Worker used her understanding of child development and the legal system to help prepare the children to testify at trial.
- ◆ A young woman was kidnapped and raped. From the arrest through the trial, the Social Worker maintained contact with the victim and her family. The Social Worker took time to explain the legal process and provide treatment information to the victim. The family described the Social Worker as their rock that helped reassure them throughout the entire process. Her presence through the trial helped facilitate witness testimony and gave the family comfort in knowing they were not alone.



# Protecting Families: The Family Division

Statistics show that children who experience domestic violence are more likely to engage in delinquent conduct and be truant from school. On the other hand, delinquency and truant behavior are warning signs of child abuse and neglect in the home. Recognizing the need for a unified approach to many of these related problems, in 2007 Attorney General Biden created the Family Division. The Division is unique in that it brings together prosecutors, social workers and other staff from across the Department to focus exclusively on protecting children, families, and individuals who are abused. The Division consists of four units with related missions and challenges: Child Support; Child Protection; Domestic Violence and Child Abuse; and Juvenile Delinquency and Truancy.

Family Division staff are cross-trained to provide a full range of legal services to victims, families, and juvenile delinquents. For example, Deputy Attorneys General who prosecute child abusers are linked with staff who protect children from those abusers. Because financial dependency is one of the main reasons victims of domestic violence return to their abusers, staff that collect child support now work closely with the Division's domestic violence prosecutors. Victims are given the resources they're owed and the protection they deserve to be independent and reduce the risk of further abuse. Additionally, the Family Division's focus on truancy recognizes an area of law enforcement that has largely been ignored, viewing truancy not only as a problem in itself, but as an indication of deeper domestic strife.



Family Division Director Patricia Dailey Lewis (pictured)

## Unit Heads:

James Adams, Juvenile Delinquency/Truancy Unit

Craig Fitzgerald, Child Protection/Abuse/Neglect/Dependency Unit

Maria Knoll, Domestic Violence & Child Abuse Unit

Brenda Sammons, Child Support Unit

Marsha White, Senior Protection Initiative

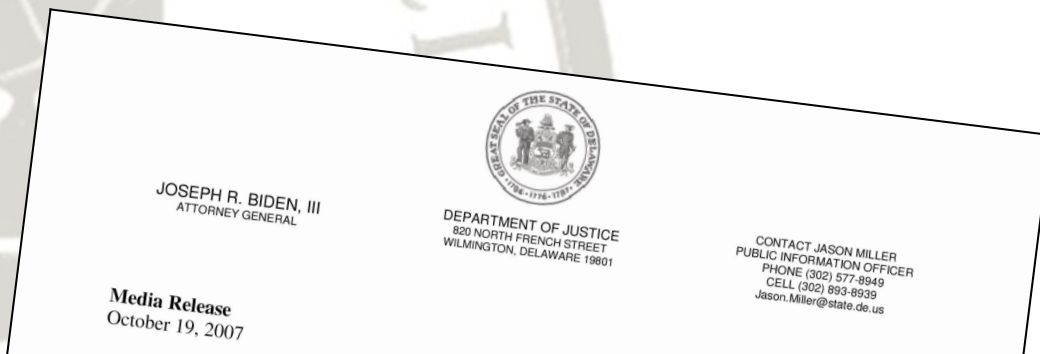
## How the Family Division Protects Families:

- Prosecuting all cases involving domestic violence, including child and senior abuse and neglect
- Providing support to victims of domestic violence
- Creating and enforcing child support orders
- Prosecuting criminal cases of non-payment of child support
- Representing the State in cases of child abuse, neglect and dependency, which can result in the termination of parental rights
- Facilitating adoptions for dependent, neglected and abused children
- Prosecuting cases of juvenile delinquency and truancy and guiding troubled youth to a better path

## Protecting families every step of the way

A recent case involving a survivor of domestic violence and her children highlights the importance of the Family Division's unique ability to coordinate a wide array of related legal and social services. The Department of Justice became involved in the case of Abby [real names have been withheld to protect the privacy of those involved], a victim of domestic abuse whose attacker was nearing the end of his prison sentence. As her attacker continued to threaten her and her children from jail, Abby reached out for help in protecting her family after his release. The Family Division reviewed Abby's case history and court orders and, within 48 hours of that review, sat down with Abby and representatives from the Delaware State Police, Probation and Parole, Department of Correction Domestic Violence Unit, Domestic Violence Coordinating Council, Shelter Advocacy Freedom & Empowerment Program from People's Place, the Department of Education, and representatives from the General Assembly. These parties came together under the Family Division's coordination to give Abby access to the many services available to her and help keep her family safe. After the meeting, the Family Division coordinated civil and criminal legal services for Abby and her family, including contacting and collaborating with private counsel. Abby also received assistance registering with Delaware's victim information and notification system (VINE) so that she would be informed of her abuser's movements.

Protecting Families



### Attorney General Biden announces creation of Family Division during program marking Domestic Violence Awareness Month

WILMINGTON, DE. — Attorney General Joseph R. Biden, III today announced that he has created a Family Division at the Delaware Department of Justice that streamlines the prosecutorial and social services of the Department to more effectively protect Delaware's children and families.

"This new division brings together prosecutors, social workers, and other staff from across the Department of Justice into a unified team focused exclusively on protecting children and individuals who are abused," Attorney General Biden said. "The coordination is the key to greater effectiveness and it's the key to securing justice for these children."

The new Division, the first of its kind in the country, will be located in the Department of Justice, the Court of Common Pleas, the Court of Chancery, the Court of Appeals, and the Delaware Superior Court.

## AG creates special unit to focus on crimes within families

**Biden says reshuffle won't put extra burden on staff**

By PATRICK JACKSON  
The News Journal

Since taking office in January, Attorney General Beau Biden hasn't been shy about reshuffling his staff to set up special units to deal with specific issues, such as Internet crimes against children.

And Friday, Biden announced the creation of another specialty unit within the state's Justice Department

— this time setting up a Family Division.

The new unit pulls together staff currently handling criminal cases in the Common Pleas, Family and Superior court systems involving domestic violence, child abuse, child support, child protection, juvenile delinquency and truancy.

He named Patricia Dailey Lewis, a 20-year veteran of the department who focused mainly on family and

child advocacy issues, to head the new unit, which will have 38 lawyers and a support staff of 22.

A release from Biden's office said this is the first such unit in the country at the state level.

While the AG's office has always taken children's issues and domestic violence seriously, Biden said the new unit will allow it to better focus its resources on those cases.

"I don't want to create the impression the department hasn't been serious about this in the past, because to my knowledge, it always has been

very serious about them and worked hard on them," he said. "This will allow us to use our resources more efficiently and hopefully, do an even better job of protecting our families."

In a release announcing the unit's formation, Dailey Lewis said the department would "fully integrate" department efforts on behalf of children and families.

The unit's staff will be cross-trained to better handle the cases it will encounter.

Some lawmakers have questioned whether focusing on special units will

put more strain on Biden's deputies who are assigned to other civil and criminal cases. Biden said he didn't think that was the case, particularly when it comes to dealing with family issues.

"The deputies were already focused on doing that work, so it shouldn't create additional strain elsewhere," he said. "I hope it helps provide better service to people who are victims in those areas."

Contact Patrick Jackson at 678-4274 or pjackson@delawareonline.com.

## Child Protection Unit

With the goal of ensuring that children in Delaware live in the safe and healthy homes they deserve, the Child Protection Unit provides legal representation to Delaware's Division of Family Services (DFS) in all cases of dependency, neglect and abuse. This includes adoptions and termination of parental rights cases.

Some cases the Unit has handled for DFS over the past year include:

- ◆ After DFS took custody of children who had suffered years of abuse at the hands of their parents, the parents were charged with several criminal offenses. The parents ultimately pled guilty to criminal charges and the children remain in DFS custody.
- ◆ The Unit successfully secured the termination of parental rights at a trial involving a father with serious long-term drug abuse and a mother with long-term mental illness, both of whom had previously physically abused two of her other children. The parents' instability had left their child very emotionally fragile. The child's condition has improved remarkably in foster care and an adoption is pending
- ◆ Following the murder of their mother by her boyfriend, the parental rights of the children's fathers were terminated, which lead to the adoption of the children. Fortunately, the children were able to remain together.
- ◆ An inmate delivered twins with significant health problems while incarcerated at the women's prison. Parental rights were eventually terminated. Finding an appropriate caretaker was extremely challenging because of the needs of the children, but the twins were adopted by a family who had already adopted other children. The twins are making great progress under the experienced care of their adoptive parents.

## Adoptions

It is a sad fact that most of the cases heard in Family Court involve families in crisis. The Delaware Department of Justice represents the Department of Services for Children, Youth, and Their Families every day in child welfare cases to assure that children at risk are safe and to work for permanency for children who cannot be reunified with their parents.

While its participation in Family Court matters often involve family tragedies, the Department also has the privilege of assisting in creating new, loving family units. Children who are in abusive family situations where parental rights have been terminated are eligible for adoption by parents who will provide them with the love and care they have missed. In 2007, the Department helped in the creation of 69 such families. Visitors to Family Division Director Patricia Dailey Lewis' office are greeted by a photo collage featuring the smiling faces of many of these children who are now wanted and cared for in safe and loving homes.

## Child Support Unit

The Child Support Unit represents the Delaware Division of Child Support Enforcement (DCSE) in establishing, modifying, and enforcing child support orders. The Unit also prosecutes criminal non-enforcement cases.

Some notable cases of the past year include [real names have been withheld to protect the privacy of those involved]:

- ♦ A mother alleged that Charles was the father of her newborn infant. Charles denied the allegation and requested genetic testing to verify that he was the father. In an attempt to sabotage the paternity test, Charles took James to the Division of Motor Vehicles to obtain a driver's license with James's photograph and Charles's name and information. James went to the paternity testing facility, used the false ID, and testing staff took James's photograph and fingerprints before administering the test to him. When the negative results of the test were sent to the baby's mother, she viewed James's photograph on the false ID and contacted the Child Support Unit. Through the joint efforts of the Child Support Unit, State Investigators, and the Criminal Division, both Charles and James were criminally prosecuted on a variety of charges. Charles was later confirmed as the baby's biological father.
- ♦ A self-employed father bragged about earning in excess of \$375,000 per year but failed to pay outstanding child support. Arriving for a child support hearing driving an expensive car, he was prosecuted for failure to pay support, held in contempt, and ordered to pay the money owed or serve 60 days of work release. He finally paid \$21,132 of outstanding support.
- ♦ Liens were placed against the business assets of a father with outstanding support owed on two cases. The lien was enforced when he sold one of his businesses, and a total of \$54,688 was collected to pay both accounts in full.

## Criminal Prosecution of Child Support Offenders

The Child Support Unit handled nearly 12,000 cases last year in Family Court, including cases establishing paternity and responsibility for child support, litigating changes to child support orders, and prosecuting civil contempt cases to enforce orders. Failure to pay child support is a violation of civil and criminal law. While civil cases can result in incarceration, and last year resulted in over 1,700 individuals being sent to jail for failure to pay child support, after seeing increasing numbers of flagrant violators who have the means but refuse to pay, the Department began reviewing cases for criminal prosecution. Criminal prosecutions are designed to punish violators, force them to fulfill their financial obligations, as well as send a clear message that this is a crime, it is unacceptable, and offenders will be held accountable.



### Most wanted Poster:

Since Spring, 2007, the Delaware Department of Justice has partnered with the Delaware Department of Health and Social Services to publish and distribute monthly posters that feature the State's parents who are most delinquent in their child support payments.

## Coordinated Prevention: Domestic Violence & Child Abuse Unit

The Domestic Violence Unit prosecutes cases of domestic violence, child abuse and endangerment, and child-at-risk cases in Delaware's courts. These cases involve the very integrity of basic family units and include issues such as assault, stalking, terroristic threatening, harassment, non-compliance with Protection From Abuse ("restraining") orders, and endangering the welfare of a child. These cases involve not only established families, but dating and former relationships as well.

The Domestic Violence Unit is just as concerned with prevention as it is with punishment, and it works alongside a variety of State agencies, community organizations, and the police to inform people of the warning signs of domestic violence and the help available to them. The Unit works closely with the Senior Protection Initiative (see next page) because Attorney General Biden knows that the problem of senior abuse is part of the broader issue of domestic violence. Early victim contact and interagency and community cooperation can — and will — make a difference in the lives of families affected by these devastating crimes.

Notable cases from the past year include:

- ♦ State v. Rochelle Young, where the defendant assaulted and stole from her blind mother. The defendant pled guilty to charges of Assault and Robbery, and was sentenced to five years in prison.
- ♦ State v. Dennis Cessna, where the defendant was convicted of Assault and Endangering the Welfare of a Child after assaulting his girlfriend in front of their toddler at the child's daycare facility. The defendant was sentenced to two years in prison.
- ♦ State v. Courtney Green, The defendant was convicted of Criminal Trespass and Assault for attacking his ex-girlfriend in front of her apartment complex. He was sentenced to one year in prison.
- ♦ State v. Andre Binaird, The defendant was convicted of a number of felony and misdemeanor domestic offenses. In light of his prior record of domestic violence, the defendant was sentenced to fifteen years in prison.
- ♦ State v. Arthur Pegram, where the defendant was found guilty of a number of domestic abuse related charges and was sentenced to two years in prison.

## Juvenile Delinquency and Truancy Unit

### Early Intervention: Truancy and Gateway crimes

Countless statistics and studies bear out the conventional wisdom: kids who are truant from school often engage in damaging and destructive behavior, like drug and alcohol use, violence, and crime. Truant students are more likely to drop out of school, putting themselves at much higher risk for an adulthood marked by stints in prison. Truancy may also point to serious problems, such as neglectful and abusive parenting. Under the umbrella of the Family Division, staff from the Child Protection Unit, the Juvenile Delinquency Unit, and the Child Support Unit handle truancy and delinquency cases up and down the State. This coordinated intervention ensures that children and families are directed to the social services that they need to put kids back on the right track, and that the Department intervenes in unsafe and neglectful homes to head off future delinquent and criminal behavior by young offenders.



# Senior Protection Initiative

## Protecting Seniors from Abuse

Abuse against senior citizens comes in many forms, including physical, sexual or emotional abuse, financial exploitation, and neglect. 450,000 new cases of senior abuse are reported nationwide each year. However, senior abuse is largely a hidden crime. It is estimated that for every case of senior abuse brought to the attention of authorities, five more go unreported. Sadly, seniors are often too embarrassed to report the crime or are afraid to report an abusing caregiver. Attorney General Biden is taking action to combat these crimes, give victims a voice, and stop senior abuse before it happens.

In September, 2008, Attorney General Biden announced the creation of the Senior Protection Initiative to prevent senior abuse and to punish those responsible for committing these crimes. This Initiative consists of three elements:

Public Education – Expanding public outreach with programs that encourage victims to report their abuse, highlight the signs of senior abuse, and educate seniors about ways to avoid being a victim.

Law Enforcement Education – Providing training to police to recognize the signs of senior abuse to ensure early intervention by law enforcement.

Creating a Multi-Disciplinary Team of prosecutors, police, and social services organizations to open channels of communication between law enforcement and other agencies and to coordinate services to seniors. This team will meet regularly to identify and prosecute cases of abuse.

Because many of these crimes are committed by family members and caretakers, the Senior Protection Initiative is led by the Family Division. Family Division staff is trained to prosecute senior abuse and to guide victims through the legal system. Deputy Attorney General Marsha White, a 20-year Department of Justice Prosecutor, is leading this effort as the Department's first Senior Protection Deputy. She serves as a central point-of-contact for all senior abuse cases.

Working alongside the Family Division to tackle these crimes is the Department's Fraud and Consumer Protection Division. It's Senior Abuse Investigators and Deputy Attorneys General prosecute those who would steal money from seniors, target them for financial scams, or misuse their assets. Financial exploitation is devastating, especially for seniors on fixed incomes, and offenders are prosecuted to the fullest extent of the law. In addition, the Division's Medicaid Fraud Control Unit prosecutes senior abuse that occurs in Medicaid-funded health care facilities and handles cases where dishonest healthcare providers cheat the State out of Medicaid funds intended for seniors in need.

## Senior Victim Advocates

The criminal justice system can be difficult to understand, especially for senior victims. Through the Senior Victim Advocate Program, specially-trained seniors serve as volunteer guides to help senior victims better understand the criminal justice system. Senior Victim Advocates maintain contact with victims throughout the process to ensure that they know their rights, understand laws relevant to their case, and receive proper notice and documentation. Advocates also identify circumstances in which further intervention may be needed.

## Beau Biden vows to fight senior abuse

Initiative creates team of prosecutors, police

By SEAN O'SULLIVAN  
The News Journal

Delaware Attorney General Beau Biden announced a series of new measures Friday to curb senior abuse.

He named veteran prosecutor Marsha White to coordinate all senior abuse cases in the newly created position of Senior Protection Deputy and

hoboth Beach.

The three most common types of elder abuse are neglect, financial exploitation and physical abuse, often by members of their own families who are their caregivers, according to Biden's office. National estimates suggest that only one in five cases of senior abuse is ever reported because the victims are often afraid of

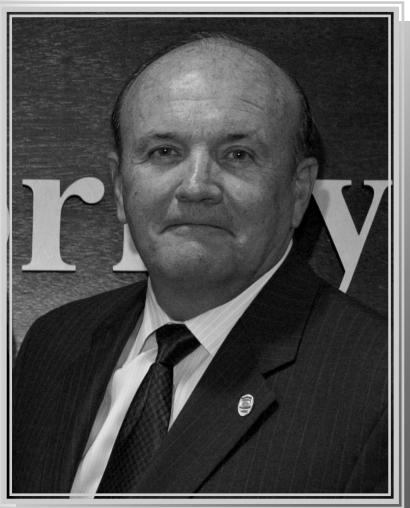
## Delaware Senior Summit

In November, 2007, Attorney General Biden hosted the Delaware Senior Summit, bringing together more than 300 seniors, caregivers, law enforcement, and advocates to focus attention on senior crimes, provide educational information to the public, and open up a dialogue on ways to protect Delaware's seniors.

# STANDING UP FOR CONSUMERS: THE FRAUD & CONSUMER PROTECTION DIVISION

The Fraud Division truly is the people's lawyer for Delaware's consumers, alerting them to scams and financial exploitation, as well as prosecuting the perpetrators of these destructive crimes. The Division works diligently to ensure that the public gains the benefits of a free and fair enterprise system. Fraud can come in many forms. It might be an unfair or deceptive trade practice, like a pyramid scheme or predatory lending, or it could be the abuse, neglect, mistreatment and financial exploitation of a senior citizen or disabled person. Fraud may also show up in the securities industry, involving a dishonest or unethical stock broker or insurance agent. The Division responds to all of these illegal activities and more.

Within the Fraud Division, several specialized units focus their time and expertise on protecting the public from a range of the most common forms of consumer abuse.



Fraud & Consumer Protection Division Director Timothy Mullaney, Sr.  
(pictured)

## Unit Heads:

Ian McConnel, Consumer Protection Unit

Daniel Miller, Medicaid Fraud Control Unit

James Ropp, Securities Unit

Robert Carmine, Special Investigations Unit

## How the Fraud Division stands up for Delaware's consumers:

- Preventing consumer and investor fraud through effective education and outreach
- Providing quick and useful answers and referrals to callers of the Statewide Consumer Hotline (302-577- 8600 or 800-220-5424)
- Promptly investigating possible violations of consumer protection laws and prosecuting law breakers
- Fighting Medicaid fraud by prosecuting health care providers who steal taxpayer dollars, and recovering that money for Delaware
- Protecting our most vulnerable residents by prosecuting those who violate the rights and safety of health care facility residents
- Safeguarding investments by investigating and bringing action against violators of the Delaware Securities Act
- Guarding the public's trust by investigating and prosecuting public corruption and crimes against government
- Promoting healthy market competition by enforcing antitrust laws

# Consumer Protection Unit

The Consumer Protection Unit handles approximately 15,000 consumer calls, disputes, and mediations each year. Although investigations stemming from these calls may result in civil lawsuits, the Unit is able to resolve many cases informally. The Consumer Protection Unit has a special focus on identity theft and educates consumers on how to avoid being victimized and what to do if it occurs. Consumer education and outreach is one of the chief missions of the Unit, and it brings relevant and timely information about possible deceptions to the public through its website, mailings, exhibitions at community events, and by speaking to groups of concerned citizens.

In 2007 and 2008, the Consumer Protection Unit resolved a number of prominent cases, including the following:

## Bayer Corporation

A multi-state investigation found evidence that Bayer, the manufacturer of the cholesterol lowering drug Baycol, had failed to adequately disclose safety risks associated with the use of the medication. As a result of the investigation, Bayer is now required to register most of its clinical studies and publicly post the results of each study. The judgment also requires Bayer to abide by legal standards in the marketing, sale, and promotion of its products and prohibits Bayer from making false and misleading claims relating to any such product sold in the United States. In addition, Bayer paid over \$200,000 to Delaware.

## Express Scripts, Inc.

Express Scripts, a nationwide pharmacy benefits management company, agreed to settle a complaint alleging that it engaged in deceptive business practices. In particular, Express Scripts may have overstated the cost benefits of switching to certain preferred medicines. Moreover, Express Scripts did not clearly disclose that it would earn rebates accrued from drug switches. \$165,000 was returned to Delaware in this settlement.

## MoneyGram

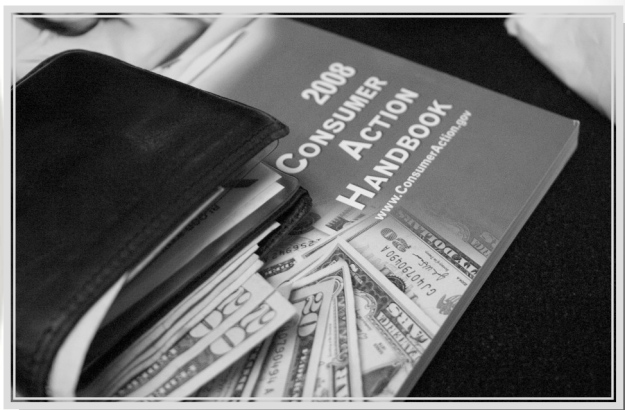
Delaware joined more than 40 other states in investigating the use of money transfer services by fraudulent telemarketers and other scam artists. As a result of the investigation, MoneyGram Payment Systems, Inc. agreed to take active steps to combat fraud-induced transfers, including funding a \$1.1 million national consumer awareness program, blocking suspected fraudulent wire transfers, and prominently warning its customers of the risk of fraud at the time they initiate wire transfers.

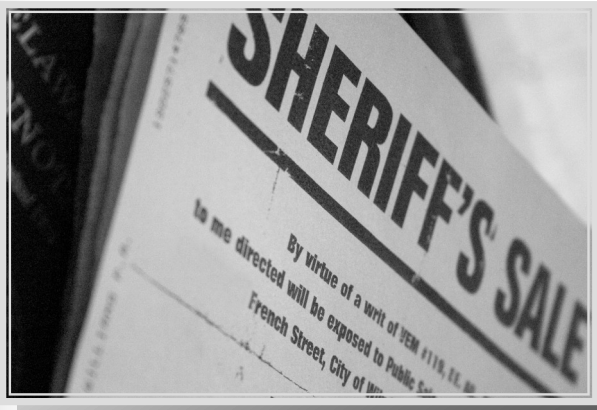
## HCI Direct, Inc.

HCI Direct used direct mail solicitations with offers of free samples of merchandise to obtain orders. Consumers who responded were enrolled in a continuity sales plan that automatically renewed their order whenever payment was received. It was alleged that the failure to place clear disclosures of terms and conditions related to its continuity sales plan violated consumer statutes. HCI Direct agreed to clearly disclose the terms, conditions, and obligations of an offer in all mailings, obtain affirmative responses from consumers before enrolling them in the plan and sending them any merchandise, and give consumers several options to cancel orders. \$29,000 was returned to Delaware in the settlement.

## Eli Lilly & Co.

A multi-state investigation reviewed allegations that pharmaceutical manufacturer Eli Lilly and Company engaged in unfair and deceptive practices when it marketed Zyprexa, an antipsychotic drug, for “off-label” uses and for failing to adequately disclose its potential side effects to health care providers. Eli Lilly agreed to change how it markets Zyprexa and to cease promoting its off-label uses, which are not approved by the U.S. Food and Drug Administration. The Delaware Consumer Protection Fund will receive \$966,000 as part of a \$62 million nationwide settlement.





## Foreclosure

The current home mortgage crisis, resulting in increased foreclosures, has provided fertile ground for scam artists and predatory lenders. The Department of Justice investigates allegations of financial fraud in the mortgage market and prosecutes cases in which dishonest or unscrupulous lenders attempt to take advantage of homeowners facing foreclosure. The Consumer Protection Unit also has a special focus on educating consumers dealing with foreclosure in order to provide them with the best resources and contact information to guide them through this stressful and challenging process. This includes proactively identifying at-risk individuals and families and inviting them to foreclosure workshops, where information and resources are provided. In addition, the Department of Justice supported, and will play a role in enforcing recently-enacted legislation that regulates foreclosure consultants and protects homeowners from foreclosure rescue schemes that deplete their home equity without providing relief.

## CONSUMER PROTECTION HOTLINE: 800-220-5424

### Scams

An educated consumer is far less likely to become the victim of fraud than someone who is uninformed. That's why the Consumer Protection Unit is committed to providing consumer alerts and useful tools for avoiding common scams, focusing recently on computer "phishing" and lottery scams.

- ◆ Phishing occurs when a criminal poses as a legitimate financial institution, such as a bank, and emails the victim claiming personal financial information is needed in order to safeguard the victim's assets. The best way to avoid being victimized by "phishing" is to protect your personal information and contact your bank first to verify that the request is authentic.
- ◆ Lottery scams usually take the form of the victim receiving an unsolicited letter or email stating that he or she has won a prize in a foreign lottery. The catch is that the victims must pay a "processing fee" in order to claim the winnings. To avoid becoming the victim of a lottery scam, follow the old adage: If it seems too good to be true, it probably is.

Safeguard your personal information; call the Consumer Protection Hotline (toll-free **800-220-5424**) and our staff will review any solicitation with you and help determine if you've been the target of a scam.

**FIDELITY FINANCIAL SERVICES INC.**  
INTERNATIONAL CLAIMS DEPARTMENT  
483 BAY ST. TORONTO ONTARIO  
M5G 2M7 CANADA  
OFFICE LINE 1 - 905-598-3065

JUNE 4TH 2008  
CLAIM NO: AXL/CK218

ATT:

**WINNING FINAL NOTIFICATION**

We are pleased to inform you that you are one of the declared winners of LOTTO NORTH AMERICAN SWEEPSTAKES LOTTERY held on APRIL 11TH, 2008 in the 2nd category.

We have made many unsuccessful attempts to contact you regarding this winning. You are therefore entitled to the sum of \$125,000.00 US dollars. This is from total prize money of \$4 Million US dollars that was shared and presented among the other 32 declared winners. Please note that all the participants were selected through a random computer ballot system drawn from over 500,000 names.

In accordance with our disbursement policy your prize award money has been forwarded to our Clearing / disbursement institution to release your funds to you.

Your claim number is AXL/CK218 and has been assigned to our North American Claims Affiliate. To expedite the processing, enclosed is the check of \$4,875 US dollars which has been deducted from your winning. The sole purpose of this **FIRST CHECK** is for the payment of applicable **GOVERNMENT TAXES** on your big winnings. Government taxes cannot be deducted from the winning amount because of the **insurance bond policy coverage**.

The tax amount is USD \$2,875 (TWO THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS) to be paid either by **WESTERN UNION** OR **MONEYGRAM** directly to the tax agent.

Please do not attempt to use this check until you call. We urge you to keep this winning **CONFIDENTIAL** until your claim has been processed and your cash remitted to you as this is part of our security protocol to avoid double claiming or unscrupulous acts by non participants taking advantage of this program. You are advised to contact your claim agent immediately for further clarification as indicated below within 10 business days.

(CLAIMS/DISBURSEMENT AGENT) MR. NICHOLAS HARRISON  
DIRECTLINE: 1-905-598-3065  
Congratulations

Yours Truly  
BRIAN MCGUIRE (Promotion Manager)

Office Hour: 9:00am to 8:00 pm (Mon to Fri) Saturday: 9:00am to 5:00pm. (EST)

Example of a lottery scam



## Debt Management Service

The Consumer Protection Unit licenses debt-management service providers to ensure that Delawareans receive legitimate and secure assistance from these companies. In order to be approved for a license, or to have its license renewed, these companies must guarantee that they are able to reimburse legitimate claims if individuals are defrauded. Companies must also prove that they are bonded, so that consumers are protected if the company or its employees commit criminal activity harmful to the consumer. The Consumer Protection Unit conducts a thorough review of all applications for a license or a license renewal. It also routinely reviews licensed companies for compliance, investigates possible violations of the law, and initiates enforcement actions when a crime has been committed.



## ID Theft

Identity Theft occurs when an individual's personal or financial information, such as a name, address, Social Security number, or any financial or credit-card account number is stolen. It is a devastating crime that is on the rise in Delaware and across the country. Over the past year, the Consumer Protection Unit received 267 Identity Theft complaints, up from 226 cases in 2007 and 188 cases in 2006. Staff meet regularly with victims, law enforcement, and financial institutions to ensure that the Delaware Department of Justice is attacking the problem with the best information and tools available. One key way the Department helps victims recover from this destructive crime is the Identity Theft Passport Program, a free service that assists victims in reclaiming their identities by resolving damage done to their credit histories.

Learn more about the Identity Theft Passport Program by visiting:

<http://attorneygeneral.delaware.gov/consumers/protection/idtheft.shtml>.





## Antitrust

In order to ensure fair competition in the marketplace, the Delaware Department of Justice investigates suspected violations of State and Federal antitrust laws and takes legal action against violators. It can also sue antitrust violators on behalf of citizens who have incurred losses from those violations.

In one of the past year's key antitrust cases, Delaware and 34 other jurisdictions settled lawsuits against Warner Chilcott and Barr Pharmaceuticals for a total of \$11.4 million in penalties and fees. The lawsuits alleged that Warner Chilcott paid Barr \$20 million in an agreement designed to prevent Barr from selling a generic drug that would compete with Warner Chilcott's drug Ovcon, a popular oral contraceptive. The case is part of an effort to protect access to affordable prescription drugs for consumers.

**Medicaid Fraud Control Unit: 302-577-5000**

## Protecting the Most Vulnerable Delawareans: Medicaid Fraud Control Unit



Medicaid Fraud not only affects recipients of this federal/state cost-sharing program, it also costs the taxpayer and the State. By draining resources from the Medicaid fund, fraud negatively impacts the Medicaid system by making the program's benefits unavailable to residents living near the poverty level, fostering inferior care as dishonest providers pocket money for substandard services, and generating increased taxes to make up for the funds lost to fraud. The Medicaid Fraud Control Unit is charged with protecting Delawareans who receive Medicaid and the taxpayers who fund the program by investigating and prosecuting cases of fraud committed by healthcare providers who abuse, neglect, and mistreat patients in residential healthcare facilities as well as defraud the State by billing Medicaid for services not provided.

# Medicaid Fraud Control Unit

Notable cases from the past year include:

- Delaware participated in a team from the National Association of Medicaid Fraud Control Units that reached an agreement with pharmaceutical manufacturer Merck & Co. following a federal whistleblower lawsuit. Under the \$649 million nationwide settlement, the Delaware Medicaid Program received \$960,380 and the state treasury received \$48,514.
- Quality of care and billing practices became the focus of an investigation at Green Valley Pavilion, LLC, a Kent County nursing home. The Unit gathered evidence that established that employees were altering patients' charts in order to maximize the facility's reimbursement from the Delaware Medicaid Program. Six nurses were prosecuted for their participation in the scheme to defraud the Medicaid Program, and a \$550,000 settlement was reached with Green Valley Pavilion.
- Following a lengthy investigation, the Unit successfully prosecuted pharmacist Bruce Costa. Costa pled guilty to three counts of fraud and two counts of falsifying business records. He was ordered to pay \$28,000 to the Delaware Medicaid program and \$6,000 to the Medicaid Fraud Control Unit for investigative costs.

## Settlement restores money to Medicaid

The News Journal

The Delaware Department of Justice has recovered more than \$1 million for the Delaware Medicaid program through a settlement with Bristol-Myers Squibb Company and its former subsidiary Apothecon, Inc., Attorney General Beau Biden announced Monday.

The settlement resolves allegations that BMS illegally marketed and priced prescription medication that cost states' Medicaid programs. The national settlement, involving 43 states, the District of Columbia, and the federal government, totals \$389 million plus interest.

Recovered for the Delaware Medicaid program was \$1.1 million. Delaware has received \$561,712, including restitution of \$274,184 for the Delaware Medicaid program and a penalty of \$287,528 that will be paid to the state's general fund. The balance was returned to federal au-

JOSEPH R. BIDEN, III  
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE  
800 NORTH FRENCH STREET  
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER  
PUBLIC INFORMATION OFFICER  
PHONE (302) 877-8549  
CELL (302) 865-8500  
Jason.Miller@state.de.us

Media Release  
July 21, 2008

### Biden Announces Medicaid Fraud Settlement with Bristol-Myers Squibb

Attorney General Beau Biden announced that the Delaware Department of Justice has recovered more than \$1 million for the Delaware Medicaid Program through a settlement with Bristol-Myers Squibb Company (BMS) and its former wholly owned subsidiary Apothecon, Inc. The settlement resolves allegations that BMS illegally marketed and priced prescription medication that cost Delaware's and other states' Medicaid programs. The national settlement totals \$389 million plus interest and involves 43 states, the District of Columbia, and the federal government.

"This \$1 million settlement sends a strong message that we will not tolerate fraudulent and illegal overcharging for prescription drugs," stated Attorney General Joseph R. Biden, III.

A total of \$1,115,876 was recovered for the Delaware Medicaid Program. The State has received \$561,712, which includes restitution of \$274,184 for the Delaware Medicaid Program, and a penalty of \$287,528 that will be paid to the State's general fund. The balance of the Delaware recovery was returned to federal authorities.

- Today's settlement addresses allegations that BMS engaged in improper practices, including:
- Reporting inflated prices for prescription drugs, with the knowledge that Medicaid and other federal programs would pay these prices for BMS and Apothecon products used by their recipients
  - Paying illegal remuneration to physicians, health care providers, and pharmacies to induce them to purchase BMS and Apothecon products
  - Promoting the sale and use of the antipsychotic drug Abilify for pediatric use and for treatment of dementia-related psychosis - uses the federal Food and Drug Administration has not approved
  - Misreporting sales prices for the antidepressant drug Serzone, resulting in the improper reduction of rebates paid to state Medicaid programs

The settlement reimburses Delaware, other participating states, and the federal government for excessive amounts paid by Medicaid programs as a result of this conduct. BMS has also entered into a Corporate Integrity Agreement with the U.S. Department of Health and Human Services under which it is required to accurately report its average sales prices and average manufacturers prices.

A team from the National Association of Medicaid Fraud Control Units participated in the investigation and represented the states' interests in the settlement negotiations.

###

## Securities Unit:

### Protecting Investors through Enforcement and Education

The Securities Unit enforces the Delaware Securities Act, which regulates the sale of investment products and the activities of investment professionals. The Unit investigates and prosecutes securities fraud and licensing violations by brokers, investment advisors, and the firms they work for. It also collects securities filings and registration fees – these fees contribute more than \$10 million each year to the State's General Fund.

The Securities Unit also provides educational information to investors. To meet this mission, each year it publishes a Safe Investing Guide containing articles on a wide variety of investor issues, helpful references, and investment do's and don'ts. It also maintains an interactive educational website, the Investor Resource Center (see below).

In May, 2008, the Unit joined a multistate task force to investigate fraud in the Auction Rate Securities Market, that collapsed, freezing an estimated \$330 billion in investor holdings. Two Delaware investors have been ordered compensation of \$600,000 to cover their losses. The investigation is ongoing.

In February, 2007, the Unit completed a criminal investigation of a New York Stock broker who fraudulently transferred \$275,000 from an elderly Delaware client's accounts to his personal account and abruptly left the country. An indictment was obtained and extradition efforts are ongoing.



### Powerful tools at your fingertips: [www.InvestorResourceCenter.org](http://www.InvestorResourceCenter.org)

Funded by fines and penalties collected from violators of the Delaware Securities Act, the Investor Resource Center is a one-stop online shop for investors. Because education is key to smart investing, the Investor Resource Center offers more than 20 informational 'webinars' by industry experts. It offers other helpful tools and investment tips aimed at every investor in the family. Reflecting the Department's mission to protect the public from securities fraud and prosecute those who violate the law, the Investor Resource Center also offers investor alerts and easy-to-use reporting tools for Delawareans who feel they've been the victims of securities fraud.

**Investor Resource Center**  
 IRC Home | Online Seminars | Investing Info | Downloads | Links | Industry Professionals

**Investigate before you invest**

Delawareans today have access to a wide variety of investment options. Whether you are seeking to build a long-term investment portfolio or are approaching the time when you'll begin to live off your investment earnings, your investment choices should be based on an informed decision-making process.

Unfortunately, criminals are at work every day employing fraudulent schemes to cheat you out of your hard-earned investment dollars. These individuals scam victims by selling illegitimate investments, offering products that promise high returns with little or no risk, or pushing products with hidden fees.

Education is a powerful tool at your disposal to make smart investment choices and combat the dishonest people who pose a risk to your investment security.

**Webcast by Jane Bryant Quinn**

**Financial Seminars**  
 Credit Score  
 Understanding Investment Risk

# Special Investigations Unit

The Special Investigations Unit investigates criminal matters of public corruption, certain “white collar” crimes, and governmental and organized crime. It provides investigative assistance and expertise to units across the Department, assists state and local law enforcement up and down the State, and conducts background checks on Delawareans requesting concealed weapons permits.

Notable cases from the past year include:

- A case referred by the Office of Pensions, where a woman forged pension documents of her estranged husband in order to gain access to his savings and pension payments. Following an investigation she was charged with five counts of forgery and three counts of theft.
- A man and woman were indicted in a “sweetheart scam” against an elderly man whom the woman befriended at a local shopping center. The woman convinced the victim to buy her a nonexistent business and to write checks totaling \$27,000 that were cashed by her co-conspirator.
- With the assistance of the Newark Police Department, the Unit investigated a case in which \$34,000 was stolen from an elderly married couple by a caretaker over a two-year period. The caretaker obtained the victims’ debit card and gained access to the couple’s checking account. He was arrested on several theft-related charges and financial exploitation of an infirm adult.



Attorney General Beau Biden and Fraud & Consumer Protection Division Director Timothy Mullaney address the Special Investigators and State Detectives of the Delaware Department of Justice.

## Two indicted in scam targeting senior citizens

By ESTEBAN PARRA  
The News Journal

Two cousins have been indicted in a home-improvement scam that targeted senior citizens, the state's chief prosecutor announced Wednesday. "When you victimize seniors, Delaware law [enforcement] is going to be coming after you," Attorney General Beau Biden said.

Henry Forrest, 51, of Selbyville, was indicted by a Superior Court grand jury on two counts each of home-improvement fraud, felony theft and second-degree conspiracy. Theodore M. Forrest, 41, of Bear, was indicted on four counts each of home-improvement fraud and felony theft and two counts of second-degree conspiracy.

State police arrested Henry Forrest on Tuesday, and Theodore Forrest remained at large Wednesday. The Attorney General's Office was notified of the alleged scam in early May by state Rep. Gerald Hocker, R-Ocean View. The Consumer Protection Unit learned that on May 3, an 88-year-old homeowner paid the cousins to power-wash his roof. After starting the work, the cousins told the victim more work would be needed and ended up charging \$4,100 rather than the original \$1,300. A home inspector later determined the cousins did none of the work.

The investigation also revealed three additional fraud cases targeting three other Sussex County senior citizens, Biden's office said. The Forrests were indicted Aug. 27.



# Keeping the Department of Justice on track: The Administrative Division

The Department of Justice is the State's largest law firm, with offices in all three counties. The Administrative Division ensures that the Department's 200 attorneys, 100 paralegals, and 100 administrative specialists and other staff are given the tools to be successful and to work efficiently and effectively. It manages fiscal discipline, human resources, information systems, purchasing and supply, facilities, extraditions, public information, legislative and external affairs, and oversees the Department's immigration and naturalization-related services provided to Delaware residents. Administrative Division staff are focused on providing customer-oriented operational support to Department of Justice employees. That support may involve managing the disbursement of a federal or state grant, fixing a malfunctioning computer, guiding an employee through their benefits selection, fielding media inquiries, and recruiting new staff.



Teresa Mason, Chief of Staff (pictured)

## Unit Heads:

Diane Haase, Human Resources

Earl McCloskey, Operations

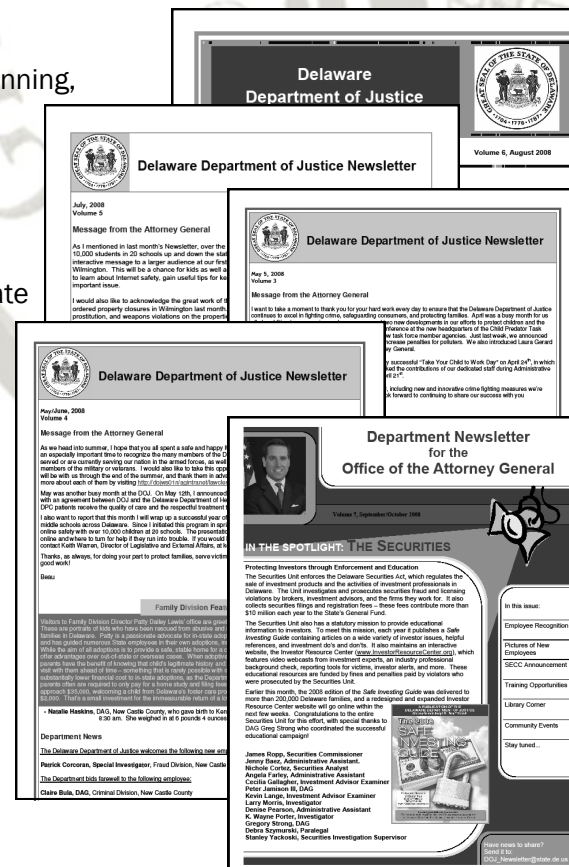
Jason Miller, Public Information Office

Ron Mullin, Sr., Extradition Unit

Keith Warren, Legislative & External Affairs

## How the Administrative Division Keeps the Department of Justice on Track:

- Putting the Attorney General's priorities into action with planning, programming, budgeting and resources management
- Managing complex and sensitive human resources and employee relations matters
- Ensuring that fiscal reports are accurate and timely
- Information Technology: Keeping office technology up to date and running smoothly
- Returning dangerous fugitives charged with serious criminal offenses to Delaware to stand trial
- Collaborate with residents, organizations, and officials to build partnerships, provide educational outreach, and advocate for legislation that enhances the crime fight
- Keep the public informed about the Department activities, programs, and initiatives by responding to information requests and presenting information through a variety of communication platforms





# Reaching out to the Community

## Ambassadors Program

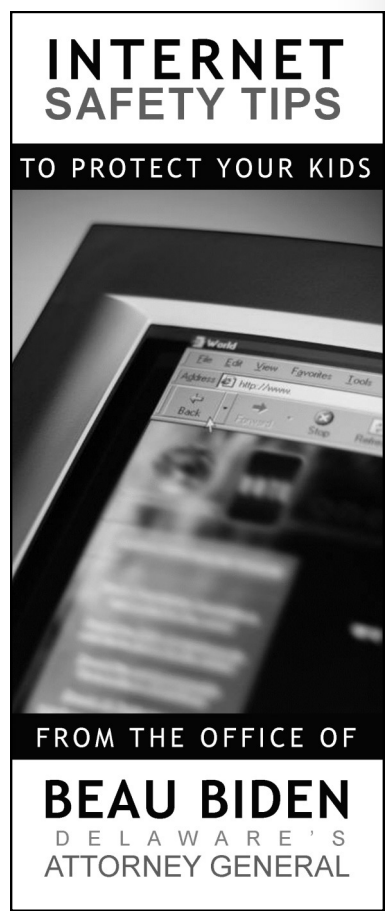
The Department regularly receives speaking requests from community organizations, civic associations, and other public and private groups. Attorney General Biden created the Ambassadors Program to respond to speaking requests and to proactively reach out to the community by developing new presentations that provide information about Department programs and initiatives. If your organization would like to request a Department of Justice Ambassador speaker, please call (302) 577-8288.



Attorney General Beau Biden presents internet safety tips at a Community Forum on Internet Safety.

## Internet Safety Presentations

Every time a child goes online, he or she is at risk of being contacted by a predator. Statistics indicate that one in every seven children has been sexually solicited on the Internet. That's why an essential part of Attorney General Biden's fight to protect children from predators is giving kids and their parents the real-world tools they need to keep children safe online. With the help of the National Center for Missing and Exploited Children, Attorney General Biden created an interactive Internet Safety Presentation that teaches kids about the dangers they face online, how to avoid becoming a victim, and where to turn for help if they are solicited. Since April, 2007, the Attorney General has brought this presentation to over 12,000 middle school students in 25 schools up and down the State. If you would like the Department of Justice to share this powerful message with your child's school or community organization, please contact the Director of External Affairs at (302) 577-8889.



Keeping the Department of Justice on Track

## AROUND DELAWARE

### Attorney General to host neighborhood crime talk

The Delaware Attorney General's Office announced it would be hosting a community meeting on neighborhood crime at 6:30 p.m. Wednesday at Delaware Technical & Community College's Stanton Campus. The gathering is to explain how the Attorney General's Office's recently expanded community prosecution effort will work in New Castle County. The community prosecution effort was one of Attorney General Beau Biden's campaign promises he started after taking office last year.

The initiative was expanded earlier this year, assigning six teams of prosecutors to cover designated sections of the county. The teams will

## Community Forums

The Department sponsors interactive informative programs in which Attorney General Biden or other Department staff meet with community groups and share information and tips about such topics as Community Prosecution, Internet Safety, a variety of consumer protection issues, and combating and preventing senior abuse and domestic violence. Check our website, [www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov), or call (302) 577-8288 for information about upcoming Community Forums in your area.

# Human Resources

The Human Resources Unit is responsible for ensuring that the Department is fully staffed and trained. The Unit facilitates the hiring of all new employees, coordinates a department-wide annual performance review of current staff, provides employee benefits services, and works to streamline employee access to benefits information on the Department's staff website portal.

Over the past year, the Unit developed a new employee orientation program and facilitated professional development programs, including technical and legal training for staff. In addition, it organized annual employee recognition events in all three counties, coordinated Continuing Legal Education programs for Deputy Attorneys General, and managed the Department's State Employees Charitable Giving (SECC) campaign.

## Summer Law Clerks

In May, 2008, Attorney General Biden welcomed eight law students to the Delaware Department of Justice as Summer Law Clerks. The Summer Law Clerk program provides law school students with opportunities to gain broad public service experience by working in units across the Department.

Summer law clerks assist Deputy Attorneys General in hearings and trials, complete research projects, prepare briefs, write memos, and complete a variety of other tasks reflecting the day-to-day experiences of Department of Justice attorneys. Qualified clerks may be assigned to prosecute misdemeanor criminal cases. Former summer law clerks often apply, and are accepted, to full-time positions after graduation.



Attorney General Biden pictured with the Delaware Department of Justice 2008 Summer Law Clerks

## Recruitment

Over the past year the Department of Justice successfully recruited attorneys to fill 24 new and existing Deputy Attorney General positions. Among these individuals, 15 were experienced attorneys who were recruited for mid and senior-level positions. Significantly, nine were hired from private law firms, and three of these individuals served as Partners in those firms. In addition, three Deputies were recruited from the Courts.

### During MLK speech in Dover, attorney general pledges to diversify his office

Appointing a black woman as chief of staff is step in that direction, Biden says

By JAMES MERRIWETHER  
The News Journal

DOVER — Speaking to about 220 people gathered for a Martin Luther King Jr. Day observance, Attorney General Beau Biden promised Monday to open his office in time with the legacy of the slain civil rights leader. But the state's chief law enforcement officer acknowledged that in at least one area, the office has a long, long way to go.

When he took over the attorney general's office last January, Biden said, the sole black employee in the criminal division of a department that encompasses about 100 lawyers was a woman who worked part-time. The department will do better in the future, Biden said, and to that end, he introduced Teresa Mason, who is black, as his new chief of staff.

— *The News Journal*

He noted his creation of a family division within his office, saying he was the first attorney general in the country to do so. He also pledged that his prosecutors would not just prosecute violent crimes, but would go after perpetrators of financial crimes, identity theft and predatory lending. And he drew applause by saying that it's possible that a few residences along Queen Street near the church might fall victim to enforcement of a nuisance abatement law which, he said, largely has been ignored since it was enacted six years ago.

As well as celebrating King's legacy, Monday's event afforded an opportunity to pay tribute to Dover City Councilman Reuben Saliers, founder and executive director of the Inner City Cultural League and the Sanford-Martin Luther Community, which

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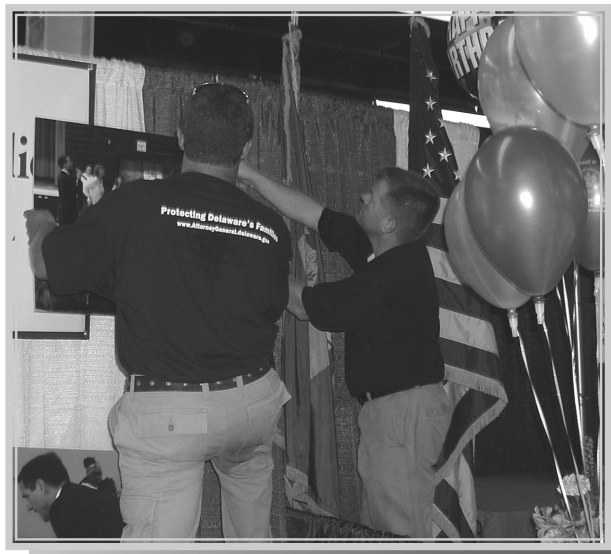
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## Operations

The Operations Unit is responsible for managing Department facilities, supply inventories and procurement, transportation, and equipment support. Its staff ensures that the Department follows federal and state contracting directives for all purchases.

The Unit is also responsible for working with other state agencies to maintain the Department's emergency operations plan. The Unit was assisted by Deputy Attorneys General in the Civil Division to coordinate this ongoing effort to develop plans and policies to ensure that the criminal justice system continues to function in an emergency.



Department of Justice staff set up the Department's booth at the 2008 Delaware State Fair

## ◆ Information Technology Unit

The Information Technology staff provides desktop, server, and database management support to over 400 staff members. This staff also maintains the Department's website.



## Website

The Attorney General's website, [www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov), is a portal for learning about how the Delaware Department of Justice works, how to contact us, find useful links to other government and community services, access forms for reporting fraud and other crimes, read consumer alerts and press releases, and find tips and tools to keep themselves and their families safe and secure. The website is maintained and updated by the Administrative Division, which welcomes you to share comments and suggestions by emailing [Attorney.General@state.de.us](mailto:Attorney.General@state.de.us).

## ◆ Fiscal Unit

The Fiscal Unit manages the Department's budget allocations and helps articulate its needs and initiatives to the Governor and General Assembly through annual budget requests. The Department's \$28 million budget comes from a range of sources, including State general fund appropriations, special state-funded grant programs, federal grants, and a variety of other sources.

The Fiscal Unit develops annual budget requests, tying budget requirements to strategic plans developed by the Attorney General and his senior leadership team. The Unit reviews expenditures to ensure that funds are properly used and develops regular reports for senior management. In addition, the Unit maintains regular contact with the State Office of Management and Budget and the General Assembly's Controller General's Office.

The Unit seeks to maximize the use of resources by identifying cost-saving opportunities. In one recent example, it recently conducted a self audit of electronic equipment use across the Department. The review identified opportunities to rearrange the use of current plans to save taxpayers an estimated \$8,500 per year.



## ◆ Returning Fugitives to Face Justice: The Extradition Unit

When a dangerous criminal crosses state lines to evade justice, the State Detectives of the Delaware Department of Justice Extradition Unit make sure those criminals are returned to their home



jurisdictions to answer for their offenses. This includes working closely with law enforcement officials in other states to return criminals who have entered Delaware from those locations, and to extradite those who have fled after committing crimes in Delaware back to the First State to stand trial. The Extraditions Unit returned a record 1,060 fugitives to Delaware in 2007. The Extraditions Unit works closely with the Delaware State Police Aviation Unit to expedite many of these extraditions, saving time and money by transferring multiple fugitives at once and avoiding cost and security issues that come with the use of commercial airlines.

## ◆ Service for the Foreign Born

The Service for Foreign Born office makes more than 12,000 client contacts each year. It coordinates with the federal Citizenship and Immigration Service and maintains an extensive network of contacts with social service organizations who provide services to foreign born residents throughout Delaware.

## Public Information Office

The Public Information Office works to keep Delawareans informed about the activities, programs, and initiatives of the Department. It serves primarily as the Department's media liaison, responding to daily information requests from reporters and media organizations. Public Information staff prepare press releases and facilitate press conferences.

Public Information staff work to provide timely and accurate information to the public through a variety of communication platforms. For example, during the past year it assisted in the expansion and reorganization of the Department's website ([www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov)) and it redesigned and updated 15 informational brochures covering a range of consumer, victim, family, and criminal justice issues. It also supported a range of internal communications to Department employees, including the development of a monthly staff newsletter and enhancements to the Department's staff website portal.



## Legislative & External Affairs

This Unit builds relationships with communities, civic leaders, legislators, and other public officials to help the Attorney General and the Department fight crime effectively, safeguard communities, combat fraud, and protect families, children, and seniors. The Unit also works to advocate for legislation that enhances the crime fight, to provide educational outreach to residents, and to collaborate with organizations that serve the public. During the past year this staff has also supported the Attorney General's fight to protect children from predators by organizing internet safety presentations statewide.

During 2007 and 2008, Attorney General Biden and his staff advocated for several pieces of legislation that were passed by the General Assembly and signed into law by Governor Minner, including:

- ◆ **Enhancing Environmental Penalties:** Senate Bill 309, enacted in 2008, increases penalties for violations in Delaware's parks, enhances penalties for illegal air and water pollution and other environmental crimes, and increases the scope of the State's anti-dumping laws.
- ◆ **Combating Child Pornography:** House Substitute 1 to House Bill 421, enacted in 2008, increases penalties against those convicted of unlawful sexual contact and those found guilty of the distribution of child pornography. The new law also takes into account new ways that pornographers use technology to victimize children to include the use of new electronic devices, such as cameral phones and iPods. Offenders now face minimum mandatory prison terms.
- ◆ **Tightening Sex Offender Registration:** Adam Walsh enhancement's to Delaware's Megan's Law
  - Senate Bill 60 with SA 2, enacted in 2007, requires convicted sex offenders to appear in person to register, re-register, or verify with the Delaware State Police; reduces the amount of time a convicted sex offender has to register or re-register; requires convicted sex offenders to provide additional identifying information, including social security number, e-mail address, and vehicle registration. It also goes beyond federal requirements by making it a felony for failure to register, re-register, or verify as required; and mandating that an arrest warrant be issued immediately for any offender who fails to register, re-register, or verify as required
  - House Bill 485, enacted in 2008, closes loopholes in Delaware's Megan's Law by requiring offenders to register in Delaware if they were convicted in another country or convicted before Delaware's sex offender registry law was enacted.
- ◆ **Protecting Homeowners:** Senate Bill 252 with SA 2, Mortgage Rescue Fraud Protection Act, enacted in 2008, protects homeowners from foreclosure consultant schemes that strip equity from homes at risk of foreclosure. The law requires foreclosure consultants' contracts to be in writing and provide clear notice of risks, includes a homeowner's right to rescind the contract and a 24 hour waiting period before signing a contract, and grants enforcement authority to the Attorney General
- ◆ **Cutting Down on Graffiti:** HB 490, enacted in 2008, increases the penalties for graffiti and possession of graffiti implements. These enhanced penalties include a minimum fine, restitution for property damage, and community service.
- ◆ **Procurement Reform:** House Bill 525, enacted in 2008, ensures that the "design-build" process, including the replacement of the Route 1 Indian River Inlet Bridge, meet federal and state procurement requirements. The legislation incorporates federal standards, while protecting prevailing wage, environmental protection, and other state laws that go beyond federal standards.
- ◆ **Fighting Neighborhood Nuisances:** Senate Bill 80, enacted in 2007, strengthens the Delaware Drug Nuisance and Social Vices Abatement Act by clarifying that property owners who facilitate or permit a nuisance on their property will be held liable for that activity. It also provides notice to owners who fail to abate nuisances on their property of the factors the Department of Justice will use to permanently shut them down, including the history and severity of the nuisance and its impact on neighborhood or community organizations.





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Victim/Witness Services:	(800) 870-1790

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